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MONTANA

STATE PLAN

SOCIAL AND REHABILITATION SERVICES

REHABILITATIVE SERVICES DIVISION

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State MONTANA
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FY 1977 STATE PLAN FOR VOCATIONAL REHABILITATION SERVICES
UNDER SECTION 101 OF THE REHABILITATION ACT OF 1973, AS AMENDED

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FY 1977 State Plan for Vocational Rehabilitation Services Under Title I of the Rehabilitation Act of 1973, as amended

State MONTANA

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

Part A. Basic assurance

Section 1. Plan submittal and purpose — Sec. 101 (a) — Sec. 1361.2 (a)

1.1 Submittal and purpose

As a condition to receipt of Federal funds under Title I of the Rehabilitation Act of 1973, as amended, for vocational rehabilitation services and for innovation and expansion grant project, the, Montana Department of Social and Rehabilitation Services (name of sole State Agency) submits this State Plan for vocational rehabilitation services and agrees to administer the program in accordance with this State plan, the Act 1/, and all applicable regulations, policies and procedures established by the Secretary 2/.

1.2 Consolidated VR/DD plan — Sec. 6 — Sec. 1361.2 (c

This is a consolidated State plan for vocational rehabilitation and developmental disabilities which conforms with 45 CFR 401.2 (d).

1/ Unless otherwise stated, "Act" means the Rehabilitation Act of 1973 (P.L. 93-112) as amended

2/ The definitions in the Regulations implementing the Rehabilitation Act of 1973, as amended, apply to the words and phrases used throughout this plan

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

/X/ No.

/ / Yes. Attachment 1.2A is a statement of concurrence by the Chairman of the State Developmental Disabilities Planning and Advisory Council and the State agency(ies) which administer the developmental disabilities program. The DD part is attached.

1.3 Services to the blind — Sec. 1361.2(c)

This plan covers vocational rehabilitation services for the blind.

/X/ No. Attachment 1.3A states the criteria of visual disability distinguishing the responsibilities of the general and blind agencies.

/ / Yes.

1.4 Plan amendments or reaffirmations — Sec. 101(a) — Secs. 1361.2 (b) & (e)

Part A. of the plan will be amended or reaffirmed annually, or amended more frequently if necessary to reflect any material change in applicable State law, organization, policy, or agency operations. Amendments will be submitted before they are put into effect or within a reasonable time thereafter. Part B of the plan will be updated and submitted annually.

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General ~~or Combined~~ Agency X

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Citations	
Rehabilitation Act as amended or as stated	45 CFR
	Sec. 1361.3

1.5 Opportunity for Governor's review and comment

The Governor will be given opportunity to review and comment on any State vocational rehabilitation plan or amendment or other type of document specified in 45 CFR 1361.3. This opportunity will be provided and any comments by the Governor's Office will be forwarded in accordance with the same regulation.

Sec. 1361.6(d)

Section 2. Legal basis

The State statutory authority for administration or supervision of the administration of the program by the State agency is Sec. 71-2101 Through 71-2106, RCM 1947, As Amended.

The State statutory authority for administration by local agencies is none.

Attachment 2A lists all laws and interpretations thereof by appropriate State officials directly pertinent to the basic authority and organization for administration or supervision of administration of the vocational rehabilitation program.

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	Citations
	Rehabilitation Act as amended or as stated	45 CFR

Section 3. Agency organization

3.1 Designation and authority of sole State agency — Sec. 101(a)(1)(A) — Secs. 1361.6(a) (c) & (f)

The Department of Social and Rehabilitation Services is the sole State agency designated to administer or supervise the administration of the program under this plan. Attachment 3.1A is a certification by the State Attorney General identifying the sole State agency and citing its legal authority to administer or to supervise the administration of the program. On designation of a new State agency, a new State plan will be submitted within 90 days after the new designation. (All references in this plan to "the sole State agency" or to "the State agency" mean the agency named in this paragraph.)

3.2 Type of sole State agency — Sec. 101(a)(1) — Secs. 1361.6(b) & (c)

The sole State agency is:

(a) /__/ a State agency primarily concerned with vocational rehabilitation or vocational and other rehabilitation of handicapped individuals.

(For general or combined VR programs, or for independent State commission for the blind and visually handicapped)

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	Citations
Rehabilitation Act as amended or as stated	45 CFR

(b) [ ] a State education or vocational education agency (for general or combined VR programs or for separate VR programs for the blind and visually handicapped)

(c) [X] a State agency which includes at least two other major organizational units, each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor. (for general or combined VR programs, or for separate programs for the blind and visually handicapped located in an agency providing assistance or services to the adult blind)

3.3 Organization and functions of the sole State agency and VR Organizational unit

Sec. 1361.7(a)

(a) Attachment 3.3(a)A gives a brief description of the sole State agency's organization and functions, including descriptions of the major grant or service programs administered by the sole State agency showing to which organizational units such programs are assigned, and the relationships between the vocational rehabilitation and other organizational units. Attachment 3.3(a)B provides organization charts reflecting (1) the State agency's relationship to the Governor and to overall State Government; (2) the internal structure of the State agency, and (3) the internal structure of the VR organizational unit.

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State MONTANA

General ~~or combined agency~~ X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
(b) All decisions affecting eligibility for the nature and scope of, and the provision of vocational rehabilitation services, will be made by the sole State agency through its VR organizational unit, or by a local agency under its supervision. This responsibility will not be delegated to any other agency or individual.	Sec. 101(a)(1) & (2)	Sec. 1361.6(e) 1361.7(b)
(c) /__/ The sole State agency is of the type described in Section 3.2(a).	Sec. 101(a)(1) & (2)	Sec. 1361.7(b)
/X/ The sole State agency is one of the types described in Section 3.2(b) or (c).		

The organizational unit responsible for operation of:

1. the general or combined vocational rehabilitation program is Rehabilitative Services Division (name of unit)

2. the vocational rehabilitation program for the blind is Visual Services Division (name of unit).

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General ~~or combined agency~~ X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
(d) The VR organizational unit:		
(A) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation of handicapped individuals and is responsible for the State agency's vocational rehabilitation program which includes the determination of eligibility for the provision of vocational rehabilitation services under the State plan;	Sec. 101(a)(2)(A)	Sec. 1361.7(b)
(B) has a full-time director; and		
(C) has a staff employed on such rehabilitation work, all or substantially all of whom are employed full time on such work.	Sec. 101(a)(2)(B)	Sec. 1361.7(c)
(e) The VR organizational unit is located at an organizational level and has an organizational status within the sole State agency comparable to that of other major organizational units, in accordance with 45 CFR 1361.7(c).	Sec. 101(a)(2)(A)	Sec. 1361.8
(f) There is a full-time State Administrator who directs the sole State agency specified in 3.2(a) or the organizational unit named in 3.3(c).		

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State MONTANA

General ~~or combined~~ agency X

Blind agency

Citations	
Rehabilitation Act as amended or as stated	45 CFR
Secs. 101(a)(1)(A) &7(7)	Sec. 1361.9

3.4 Local administration of Vocational Rehabilitation Program

[x] The plan is not administered by local agencies.

[ ] The plan is administered by one or more sole local agencies, in accordance with 45 CFR 1361.9, under written agreements with the State agency assuring operation under the supervision of the State agency, in accordance with the State plan, and in compliance with the State agency's statewide standards. Such agreement set forth the methods to be followed by the State agency in its supervision of the local agency, including an evaluation of the effectiveness of the local agency's program; and the basis on which the State agency participates financially in locally administered vocational rehabilitation programs under its supervision, and indicates whether the local agency will use another local public or nonprofit agency in the provision of vocational rehabilitation services.

The sole local agency is responsible for administration of all aspects of the program within the political subdivision which it serves.

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State MONTANA

General ~~combined agency~~ X

Blind agency

Citations	
Rehabilitation Act as amended or as stated	45 CFR
Sec. 101(a)(4)	Secs. 1361.2(a) 1361.11, 1361.12 1361.81 1361.82

3.5 Statewideness

[ ] The State plan is in operation in all political subdivisions of the State.

[x] One or more waivers of statewideness are in effect under this plan, for carrying out State Agency VR activities in one or more political subdivisions through local financing. Each waiver conforms with 45 CFR.1361.12. Attachment 3.5A lists and describes the types of activities which are being carried out under such waivers.

[ ] The Commissioner has approved a request under 45 CFR 1361.11 for a special joint project or program involving shared funding and administration as shown in Section 9.10.

Section 4. Personnel Administration

Sec. 101(a)(7)	Sec. 1361.15

4.1 Type of personnel system

[x] a federally approved State merit system in conformity with the Standards for a Merit System of Personnel Administration (45 CFR Part 70) and any standards prescribed by the U.S. Civil Service Commission pursuant to Section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Attachment 4.1A describes the responsibility for appointment of personnel.

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State MONTANA

General ~~xxxxxxxxxxxxxxx~~ X

Blind agency _____

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
☐ a personnel system other than a federally approved State merit system. Attachment 4.1B describes this system, including the information and policy assurances required by 45 CFR 1361.15(a).	Sec. 101(a)(7)	Sec. 1361.15(a)
4.2 Affirmative action plan for equal employment opportunity The State agency will develop and implement an affirmative action plan for equal employment opportunity in all aspects of personnel administration as required under 45 CFR 70.4 and 45 CFR 1361.15 (a) and (b). Attachment 4.2A is a copy of the basic affirmative action plan for assuring equal employment opportunity for members of minority groups on the basis of race, color, and national origin, older persons, and women.	Title VII, Civil Rights Act of 1964, as amended; Sec. 101(a)(7)	29 CFR Chapter XIV, Parts 1600-1610; 45CFR 70.4 and Sec. 1361.15 (a) and (b)
4.3 Affirmative action plan for employment and advancement opportunity for handicapped individuals The State agency will develop and implement an affirmative action plan for employment opportunity and advancement opportunity for qualified handicapped individuals in accordance with 45 CFR 1361.15. Attachment 4.3A is a copy of the State agency's basic affirmative action plan for employment of handicapped individuals.	Sec. 101(a)(6)	Sec. 1361.15(c)

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State MONTANA

General or combined agency X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
4.4 Consistency with State licensure laws and regulations		Sec. 1361.15(a)
The State agency's personnel standards followed in the administration of the vocational rehabilitation program are consistent with State licensure and other pertinent laws and regulations applicable to its own employees.		
4.5 Maintenance or written personnel policies and records		Sec. 1361.15(d)
The State agency maintains such written personnel policies, records, and other information as will permit evaluation of personnel operations in relation to the State agency's standards.		
4.6 Staffing		Sec. 1361.14
Staff in sufficient number and with appropriate qualifications is available to carry out all functions required under the Act and 45 CFR 1361.14. Such staff includes specialists in the areas of program planning and evaluation, staff development, rehabilitation facility development and utilization, medical consultation, expansion and improvement of services to the severely handicapped, and affirmative action for equal employment opportunity for the handicapped.		

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State MONTANA

General ~~or combined agency~~ X

Blind agency

	Citations
Rehabilitation Act as amended or as stated	45 CFR

4.7 Staff Development

The State agency provides for a program of staff development for all classes of positions in accordance with 45 CFR 1361.16. — Sec. 1361.16

4.8 Participation in political activity

The State agency prohibits staff employed in the day to day administration and operation of the program from engaging in political activity prohibited by the Hatch Act (5USC Chapter 15 and, with regard to the District of Columbia, 5 USC Chapter 73). — Sec. 1361.17

Section 5 Financial administration — Sec. 101(a) (3) — Secs. 1361.2(a), 1361.80

5.1 Sources of State funds

(a) /__/ State funds expended for this program will derive only from funds appropriated for VR purposes.

(b) /X/ State funds expended for this program will include funds made available by other State or local agencies, as well as State funds appropriated for VR purposes.

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State MONTANA

General ~~xxxxxxxxxxxxxxxx~~ agency X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
	Sec. 101(a)(6)	Sec. 1361.23

5.2 General administrative and fiscal requirements

The State agency has adopted policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program in accordance with 45 CFR 1361.23.

Section 6 Scope of agency program

6.1 Vocational rehabilitation services to individuals	Sec. 101(a)(8) & 103(a)	Secs. 1361.1(ee), 1361(1), 1361.40 (a), 1361.71

(a) List of services

As appropriate, the following VR services, as described in 45 CFR 1361.40(a) will be available to individuals;

(1) Evaluation of rehabilitation potential;
(2) Counseling, guidance, and referral;
(3) Physical and mental restoration services;
(4) Vocational and other training services;
(5) Maintenance;
(6) Transportation;
(7) Services to members of a handicapped individual's family necessary to the adjustment or rehabilitation of the handicapped individual;
(8) Interpreter services for the deaf;
(9) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

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General or combined agency X

Blind agency

	Citations
	Rehabilitation Act as amended or as stated
	45 CFR

(10) Telecommunications, sensory, and other technological aids and devices;
(11) Recruitment and training services to provide new employment opportunities in rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;
(12) Placement in suitable employment;
(13) Postemployment services necessary to assist handicapped individuals to maintain suitable employment;
(14) Occupational licenses, tools, equipment and initial stocks (including livestock) and supplies; and
(15) Other goods and services which can reasonably be expected to benefit a handicapped individual in terms of his employability.

(b) State agency's written policies on scope and nature of such services

Sec. 1361.40(b)

The State agency has established in writing and will maintain current policies on the scope and nature of each service specified in Section 6.1(a) and the conditions and procedures under which each such service is to be provided in accordance with 45 CFR 1361.40(b).

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State MONTANA

General X[illegible] agency X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

6.2 Vocational rehabilitation services to groups of handicapped individuals — Sec. 103(b)(1) — Secs. 1361.1(ee)(2)(i), 1361.48 & 1361.72

(a) Management services and supervision of small business enterprises

(1) The State agency provides management services to and supervision of small business enterprises operated by the most severely handicapped and also provides for the establishment of:

(i) Small business enterprises other than (ii) below

☒ No.

☐ Yes. The State agency has established in writing and will maintain the descriptions and assurances required in 45 CFR 1361.48(a).

(ii) Randolph Sheppard Vending Facility Program

☒ No.

☐ Yes. The State agency has establihsed in writing and will maintain the descriptions and assurances required in 45 CFR 1361.48(a), and other requirements as prescribed under the Randolph Sheppard Act.

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General or combined agency X

Blind agency

	Citations
Rehabilitaion Act as amended or as stated	45 CFR 45 CFR

(2) The State agency elects to set aside funds from the process of the operation of small business enterprises other than the Randolph-Sheppard vending facility program.

☒ No.

☐ Yes. The State agency has established in writing and will maintain descriptions of the methods of setting aside such funds are set aside. Such purposes conform with 45 CFR 1361.48(b)

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General ~~AGENCY~~ X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
(b) Construction of rehabilitation facilities	Secs. 7(1), 7(5), 7(10), 101(a)(17), 103(b)(2), & all of Sec. 306, except (c) & (i)	Secs. 1361.1(c) 1361.1(u), 1361.1(ee)(2) (iii), 1361.22, 1361.50, 1361.51 & 1361.74
(c) Establishment of rehabilitation facilities	Secs. 7(3), 7(5) 7(10, & 103(b)(2)	Secs. 1361.1(h) 1361.1(u), 1361.1(ee)(2) (ii), 1361.49, & 1361.73
(d) Facilities and services for groups of handicapped individuals	Sec. 103(b)(2)	Secs. 1361.1(ee (2)(iv), 1361.51, 1361.75

(b) Construction of rehabilitation facilities

The State agency provides for construction of public or other nonprofit rehabilitation facilities.

[X] No.

[ ] Yes. The State agency will carry out this activity in conformity with the requirements set forth in 45 CFR 1361.22, 1361.50, and 1361.51.

(c) Establishment of rehabilitation facilities

The State agency provides for establishment of public or other nonprofit rehabilitation facilities.

[ ] No.

[X] Yes. The State agency will carry out this activity in conformity with the requirements of 45 CFR 1361.49.

(d) Facilities and services for groups of handicapped individuals

The State agency provides for facilities and services which may be expected to contribute substantially to

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Blind agency

Citations

Rehabilitation Act as amended or as stated 45 CFR

the rehabilitation of a group of individuals, but which are not related directly to the individualized rehabilitation program of any one handicapped individual.

/ / No.

/X/ Yes. The State agency has established in writing and will maintain policies for the provision of such facilities and services.

Sec. 1361.45(a)

6.3 Economic need

(a) State policy

/ / (1) No VR services are provided contingent on the handicapped individual's economic need.

/ / (2) The handicapped individual's economic need is considered for determining his participation in the cost of all VR services other than evaluation of rehabilitation potential (including diagnostic and related services); counseling, guidance, and referral services; and placement. The State agency has established in writing and will maintain its policies on determination of economic need.

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Citations

Rehabilitation Act as amended or as stated — 45 CFR

/x/ (3) The handicapped individual's economic need is considered for determining his participation in the costs of certain VR services other than evaluation of rehabilitation potential; counseling, guidance, and referral services; and placement. Attachment 6.3(a)A identifies the types of services for which there is an economic needs test. The State agency has established in writing and will maintain its policies on determination of economic need.

(b) Equitable treatment

Any economic need policies will be reasonable and applied uniformly to assure equitable treatment. Services provided during extended evaluation will be subject to any economic need policies generally applicable in the program.

6.4 Similar benefits

(a) VR services for which consideration of similar benefits is required

Sec. 101(a)(8) — Sec. 1361.45(b)(1)

The State agency will fully consider any similar benefits available to the handicapped individual under any other program to meet, in whole or in part, the cost of VR

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	Rehabilitation Act as amended or as stated	45 CFR

services provided to the individual including services provided under an extended evaluation and training or training services in institutions of higher education except the following: (1) evaluation of rehabilitation potential; (2) counseling, guidance, and referral; (3) vocational and other training services including personal and vocational adjustment training, books, tools, and other training materials; (4) services to members of a handicapped individual's family; (5) placement; and (6) postemployment services.

(b) VR services for which consideration of similar benefits is provisional

Sec. 101(a)(8) Sec. 1361.45(b)(2)

The State agency will fully consider any similar benefit available under any other program to a handicapped individual to meet, in whole or in part, the cost of physical and mental restoration services and maintenance provided to the individual except where such consideration would significantly delay the provision of such services to the individual.

(c) Adequacy of similar benefits

Sec. 101(a)(8) Sec. 1361.45(b)(3)

To the extent that an individual is eligible for such similar benefits, they will be used insofar as they are adequate and do not interfere with achieving the rehabilitation objective of the individual.

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Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
	Sec. 101(a)(12)	Sec. 1361.52

(d) Maximum utilization of community resources

In providing VR services, maximum utilization will be made of public or other vocational or technical training facilities or other appropriate resources in the community.

Section 7 Eligibility, ineligibility and certification

	Sec. 7(6)	Sec. 1361.33(b)

7.1 Basic conditions of eligibility for VR services

Eligibility is based only on (1) the presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and (2) a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

7.2 Factors irrevelant to eligibility for VR services

		Sec. 1361.33(a)(1)

(a) Sex, race, age, creed, color, national origin, type of disability

Eligibility requirements will be applied without regard to sex, race, age, creed, color, or national origin. No group of individuals will be excluded or found ineligible solely on the basis of type of disability. No upper or lower age limit will be established which will, of itself, result in a finding of ineligibility for any individual who other-

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

wise meets the basic eligibility requirements specified in Section 7.1.

(b) Residence

No residence requirement, durational or other, is imposed which exludes from services under the plan any individual who is in the State.

Sec. 101(a)(14) — Sec. 1361.33(a)(2)

7.3 Federal civil employees disabled in line of duty

Sec. 101(a)(13)(A) — Sec. 1361.32

VR services will be made available to civil employees of the U.S. Government who are disabled in the line of duty under the same terms as apply to other handicapped individuals.

7.4 Diagnostic study

(a) Preliminary diagnostic study

Secs. 1361.34(a) 1361.34(b)

In order to determine whether any individual is eligible for vocational rehabilitation services, there will be a preliminary diagnostic study sufficient to determine (1) whether the individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) whether VR services may reasonably

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Blind agency

Citations

Rehabilitation Act as amended or as stated 45 CFR

be expected to benefit the individual in terms of employability or whether an extended evaluation of rehabilitation potential is necessary to make such a determination. It will place primary emphasis upon the determination of a vocational goal for the individual and his potential for achieving such a goal. The preliminary diagnostic study will be adequate to appraise the individual's current general health status and to provide the basis for the determinations described in 45 CFR 1361.34(b). In all cases of mental or emotional disorder an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders or by a psychologist licensed or certified in accordance with State laws and regulations, in those States where such laws and regulations pertaining to the practice of psychology have been established.

(b) Thorough Diagnostic Study

As appropriate in each case, there will be a thorough diagnostic study to determine the nature and scope of services needed by the individual. It will consist of a comprehensive evaluation of pertinent medical,

Sec. 1361.35

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General ~~XXXXXXXXXXXXXXXXXXXX~~ X

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

psychological, vocational, educational, and other related factors bearing on the individual's handicap to employment and rehabilitation needs. It will be sufficient to determine the VR services which are needed to attain vocational goals of the handicapped individual. It will include, as appropriate, in the individual case, the special examinations and evaluations required by 45 CFR 1361.35(c) through (f). The findings of such study will be recorded in the individualized written rehabilitation program.

7.5 Conditions for acceptance for extended evaluation

Sec. 7(4)(G) — Sec. 1361.36(a)

The provision of VR services under an extended evaluation is based only on (1) the presence of a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment, and (2) the inability, unless there is extended evaluation, to determine whether VR services might benefit the individual in terms of employability.

7.6 Duration, scope of services, and periodic review in the course of extended evaluation and termination of such evaluation

Sec. 7(4)(G) — Secs. 1361.36(b (c), (d), & (e)

VR services will be provided during extended evaluation for no longer than 18 months and in conformity with 45 CFR 1361.36(b) and (c). The individual's progress will be

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Citations

Rehabilitation Act as amended or as stated — 45 CFR

thoroughly assessed as frequently as necessary, but at least once every 90 days while services are provided. Such periodic reports from those providing services as are required by 45 CFR 1361.36(d) will be considered in this assessment. The extended evaluation will be terminated in accordance with 45 CFR 1361.36(e).

7.7 Certification of eligibility, ineligibility, or for extended evaluation

In each instance, there will be a certification, dated and signed by an appropriate State agency staff member, as to eligibility, ineligibility, or for extended evaluation. The certification that the individual has met the eligibility requirements specified in Section 7.1 above will be made prior to or simultaneously with acceptance of a handicapped individual for VR services. The certification for extended evaluation and the certification of ineligibility will be issued pursuant to the requirements of 45 CFR 1361.37(b) and (c), respectively.

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
7.8 Individualized written rehabilitation program	Secs. 101(a)(9) & 102	Sec. 1361.39

An individualized written rehabilitation program will be initiated and continuously developed for each handicapped individual eligible for VR services and each handicapped individual being provided such services under an extended evaluation, and VR services will be provided in accordance with such program. This program will be developed jointly by the appropriate State agency staff member and the handicapped individual (or, as appropriate, his parent, guardian, or other representative). It will emphasize primarily the determination and achievement of a vocational goal. A copy of the written program, and any amendments thereto, will be provided to the handicapped individual, or as appropriate, his parent, guardian, or other representative. The individualized written rehabilitation program will be administered in accordance with the requirements of 45 CFR 1361.39.

The program will be initiated after certification of eligibility or certification for extended evaluation. The program will include at least the information described

Secs. 101(a)(9) Sec. 1361.39

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	Citations
	Rehabilitation Act as amended or as stated	45 CFR

in 45 CFR 1361.39(c), as appropriate. The program will be reviewed at least annually, at which time the individual (or, as appropriate, the parent, guardian, or other representative) will be afforded opportunity to review the program and if necessary redevelop its terms jointly with the appropriate State agency staff member. When services are to be terminated on the basis of a determination that the individual cannot achieve a vocational goal, the conditions set forth in 45 CFR 1361.39(e)(1) and (2) will be met. There will be at least an annual review of the ineligibility decision, in which the individual will be given opportunity for full consultation in accordance with 45 CFR 1361.39(e)(3).

Section 8 Methods of administration particular to vocational rehabilitation

8.1 Continuing statewide studies and program evaluation

Secs. 101(a)(15) & (19) | Secs. 1361.18 & 1361.2(b)(2)(i)

(a) Conduct of statewide studies

The State agency will conduct continuing statewide studies of the needs of handicapped individuals within the State, the State's need for rehabilitation facilities, and the methods by which these needs may be most effectively met. Such studies will be directed toward:

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Citations
Rehabilitation Act as amended or as stated 45 CFR

(1) determination of the relative needs for VR services on the part of different segments of the handicapped population, particularly the need for expansion of services to the most severely handicapped;

(2) determination of the means and methods by which VR services, particularly to the most severely handicapped, will be provided, expanded, and improved, after full consideration and study of a broad variety of means and methods;

(3) ensuring the orderly and effective development of VR services and rehabilitation facilities; and

(4) review of the efficacy of the criteria employed by the State agency in making ineligibility decisions with respect to applicants for VR services. Reports of such studies will be available to the public for review.

(b) Coordinated or joint statewide studies

There is a separate VR agency for the blind in this State

[ ] No.

[x] Yes. Coordinated or joint statewide studies will be conducted by the general and blind agencies.

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General ~~combined agency~~ X

Blind agency

Citations

Rehabilitation Act as amended or as stated — 45 CFR

(c) Annual evaluation of program effectiveness

A comprehensive evaluation of the effectiveness of the State's VR program in achieving the service goals and priorities established in the plan will be conducted annually. It will measure the adequacy of State agency performance in providing VR services, especially to the most severely handicapped, in the light of State program or financial resources. It will be conducted according to the general standards for evaluation promulgated by the Secretary, 45 CFR Part 1370. Reports of such annual evaluations will be available to the public for review.

(d) Relationship of statewide studies and program evaluation to State plan amendments

Section 23 Part B of this plan describes any changes in policy and operations resulting from continuing statewide studies and the annual evaluation of program effectiveness.

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General ~~RECREATIONAL AGENCY~~ X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
8.2 Order of selection and outcomes and service goals		
(a) Applicability of an order of selection to this agency	Secs. 2(1), 7(2), 7(9), 7(12), 101(a)(5)(A) 101(a)(13)(B), & 101(a)(15)	Secs. 1361.1(d) 1361.1(t), 1361.1(w), 1361.31 & 1361.2(b)(2) (iv) & (v)

This State agency can furnish and is furnishing VR services to all individuals who apply and have been determined to be eligible or to be in need of an extended evaluation of rehabilitation potential to determine eligibility.

/ / Yes. All such individuals are served with reasonable promptness. No eligible individual has been delayed from receiving services in the past year, because there is not now, nor has there been, during the past year, any shortage of funds, facilities, or other resources necessary for serving all eligible applicants.

/X/ No. The following order of selection will be maintained:

(1) the severely handicapped
(2) other groups of handicapped individuals decided upon by the State. Attachment 8.2(a)A lists the groups of handicapped individuals in the State agency's order of selection which are additional to the Federally mandated priority for the severely handicapped.

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Blind agency

Citations	
Rehabilitation Act as amended or as stated	45 CFR

(b) Outcomes and service goals

Section 22 of Part B of this plan describes the general outcomes and service goals to be achieved in each priority category within the order of selection in effect in this State agency and the time periods which will be required to achieve such goals.

(c) Special consideration for certain public safety officers

Special consideration will be given in the selection for, and to the provision of, vocational rehabilitation services to those handicapped individuals whose handicap arises form a disability sustained in line of duty while performing as public safety officer, in accordance with 45 CFR 1361.31(c).

(d) Handicapped individuals for whom services were initiated under the VR Act

Services to handicapped individuals initiated under the VR Act will not be disrupted as a result of approval of a State plan under the Rehabilitation Act of 1973.

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	Citations
	Rehabilitation Act as amended or as stated	45 CFR
8.3 Processing referrals and applications		Sec. 1361.30
The State agency has established methods which assure expeditious and equitable handling of referrals and applications for VR services.		
8.4 Case recording and authorization of services		
(a) Individual case record		Sec. 1361.38
The State agency will maintain for each applicant for VR services and for each individual being provided such services, in accordance with 45 CFR 1361.38, a case record which will contain pertinent information about the individual and the services provided. The case record will include, as a minimum and to the extent pertinent, the information and documentation required by 45 CFR 1361.38.		
(b) Authorization of purchase of services		Sec. 1361.42
A written authorization of services will be made simultaneously with or prior to the purchase of services and such authorization will be retained. A State agency employee who is permitted to make an oral authorization in an emergency will promptly document any oral authorization in the client's case record and confirm it in writing to the provider of the services.		

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General ~~or combined agency~~ X

Blind agency

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
8.5 Periodic reevaluation of extended employment in rehabilitation facilities	Sec. 101(a)(16)	Sec. 1361.53
8.6 Individuals determined to be rehabilitated	Sec. 102	Sec. 1361.41

The State agency will periodically review and reevaluate at least annually the status of handicapped individuals who have been placed by the State agency in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market. Maximum effort will be made to place such individuals in competitive employment or training for such employment whenever feasible.

(a) An individual determined to be rehabilitated will have been, as a minimum, (1) determined to be eligible under 45 CFR 1361.37(a); (2) provided an evaluation of rehabilitation potential and counseling and guidance, as essential VR services; (3) provided appropriate VR services in accordance with the individualized written program; and (4) determined to have achieved a suitable employment objective which has been maintained for at least 60 days.

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Blind agency

	Citations
	Rehabilitation Act as amended or as stated
	45 CFR

(b) Post-employment services will be provided to those individuals determined to be rehabilitated, who require such services, to the extent necessary to maintain suitable employment.

Section 9. General methods of administration

9.1 Methods necessary for proper and efficient administration — Sec. 101(a)(6) — Sec. 1361.10

The State agency employes such methods of administration as are found necessary by the Secretary for proper and efficient administration of the plan and for conduct of all functions for which the State is responsible under the State plan and under 45 CFR Part 1361.

9.2 Consultation with recipients and providers of VR services — Sec. 101(a)(18) — Sec. 1361.19

The State agency and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy development and implementation arising in the administration of the State plan, the views of individuals and groups of individuals who are recipients of VR services (or as appropriate, their parents, guardians, or other representatives)

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
providers of VR services, and others active in the VR field. The State agency has established in writing and will maintain a description of the methods to be used to obtain and consider such consultation.	Sec. 101(a)(7)(B)	Sec. 1361.43
9.3 Standards for facilities and providers of services The State agency has established in writing and will maintain minimum standards for the various types of facilities and providers of services which it uses in providing VR services. The State agency will make such standards accessible to State agency personnel and to the public.		Sec. 1361.44
9.4 Rates of payment Policies governing rates of payment for all purchased VR services have been established in writing. The State agency will maintain in accessible form information as to current rates of payment. Vendors providing any services authorized by the State agency are required to agree not to charge to or accept from the handicapped individual or his family any payment for such services unless the amount of such service charge or payment is previously known to and, where applicable, approved by the State agency.		

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General ~~rehabilitation~~ agency X

Blind agency

	Citations
	Rehabilitation Act as amended or as stated
	45 CFR

9.5 Confidential information — Sec. 1361.47

The State agency will adopt and implement such regulations, standards, and procedures as are necessary to meet the requirements on safeguarding confidential information in 45 CFR 1361.47.

9.6 Administrative review of agency action and fair hearing — Sec. 1361.46

The State agency has established and will maintain policies and procedures in accordance with 45 CFR 1361.46 that assure to applicants and recipients dissatisfied with any action with regard to the furnishing or denial of VR services an administrative review of such action and, if they are dissatisfied with the finding of the administrative review, an opportunity for a fair hearing. Such policies and procedures also insure that each applicant and recipient is informed of such opportunities.

9.7 Reports — Sec. 101(a)(10) — Sec. 1361.21

The State agency will make such reports in such form, containing such information, and at such time, as the Commissioner requires and will comply with such provisions as he finds necessary to assure the correctness and verification of such reports.

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Blind agency

	Citations
	Rehabilitation Act as amended or as stated	45 CFR
9.8 Cooperation with other public agencies	Sec. 101(a)(11)	Sec. 1361.20

Where appropriate, in accordance with 45 CFR 1361.20, the State agency will enter into cooperative arrangements with, and utilize the services and facilities of the State agencies administering the State's public assistance programs, other programs for disabled individuals (including the State's developmental disabilities program), veterans programs, health and mental health programs, education programs, workers' compensation programs, manpower programs, and public employment offices; the Social Security Administration, the Office of Workers' Compensation Programs of the Department of Labor, the Veterans Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals. The State agency will work toward maximum coordination and consultation with programs for and relating to the rehabilitation of disabled veterans. Where there is a separate State agency for the blind, the two State agencies will cooperate to provide more effective services to the handicapped (e.g., by means of joint planning, reciprocal referral, using each other's services and facilities.

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Blind agency

Citations	
Rehabilitation Act as amended or as stated	45 CFR

Sec. 1361.13

9.9 Cooperative programs utilizing third-party funds

When the State's share of the cost of a cooperative program for providing VR services or for engaging in administrative activities of the State VR agency is furnished in whole or in part by a State or local public agency other than the State VR agency, each such cooperative program will be based on a written agreement which meets the requirements of 45 CFR 1361.13(a). Services provided in such a cooperative program are VR services:

(1) which are not services of the cooperating agency to which the handicapped individual would be entitled if he were not an applicant or client of the State VR agency and

(2) which represent new services or new patterns of services of the cooperating agency.

The costs of administrative activities under such cooperative program are not attributable to the general expense of State or local government.

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
	Sec. 101(a)(1)(A)	Secs. 1361.11 & 1361.81

9.10 Joint project or program with shared funding and administration

In order to permit the carrying out of one or more joint projects or programs to provide services to handicapped individuals, the State agency has requested the Secretary to authorize it to share funding and administrative responsibility with another agency or agencies of the State or with one or more local agencies.

/x/ No.

/ / Yes. For each joint project or program, there is or will be a written agreement which meets the requirements of 45 CFR 1361.11

9.11 Nondiscrimination

(a) On basis of race, color, or national origin

Title VI of the Civil Rights Act	Part 80 and Preamble to Parts 1361 & 1362

Assurance is hereby given that in accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the Regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual will, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this plan.

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	Citations
Rehabilitation Act as amended or as stated	45 CFR

The State agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph. Attachment 9.11(a)A contains a description of these methods of administration. The State agency will amend its methods of administration from time to time as necessary to carry out the purpose for which this statement is given. Any amendments will be submitted to the Regional Office of the Department of Health, Education, and Welfare for determination as to adequacy.

The State agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement, and that the United States will have the right to seek administrative and judicial enforcement thereof.

(b) On basis of physical or mental handicap

No otherwise qualified handicapped individual will, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial participation under this State plan, and the requirements

Sec. 504, P.L. 93-112

Preamble to Parts 1361 & 1362

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Blind agency

	Citations
	Rehabilitation Act as amended or as stated	45 CFR

concerning nondiscrimination specified in regulations implementing Section 504 of the Rehabilitation Act will be observed.

Section 10. VR Services for disability beneficiaries paid from Social Security Trust Funds

Sec. 222(d) of the Social Security Act as amended — Part 1361 Subpart D

Vocational rehabilitation services are furnished to Social Security disability beneficiaries who meet the selection criteria set forth in 45 CFR 1361.114(a) and in accordance with the order of selection prescribed in 45 CFR 1361.114(b), without regard to any other order of selection which would otherwise be followed under the State plan pursuant to Section 101(a)(5)(A) of the Rehabilitation Act of 1973, and in conformity with all other requirements governing the State vocational rehabilitation program which are not inconsistent with 45 CFR 1361, Subpart D. In accordance with 45 CFR 1361.114, services are furnished to beneficiaries with reasonable promptness, without regard to the individual's citizenship, place of residence, or need for financial assistance; with appropriate staff, supervision and training of personnel to carry out the necessary functions in an effective manner; include the full range of services authorized in the Act, subject to the conditions, limitations and provisions with respect to the use and payments of trust funds prescribed in 45 CFR 1361.115 and 1361.116. The State will submit budget estimates in accordance with 45 CFR 1361.117 and reports in accordance with 45 CFR 1361 and 1361.118.

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General ~~or combined~~ agency X

Blind agency

	Citations
	Rehabilitation Act as amended or as stated	45 CFR
Section 11. VR services for blind and disabled recipients paid from Supplemental Security Income program funds	Sec. 1615, Social Security Act, as amended	Part 1361, Subpart E

Vocational rehabilitation services are furnished to Supplemental Security Income recipients who meet the selection criteria set forth in 45 CFR 1361.124(a) and in accordance with the order of selection prescribed in 45 CFR 1361.124(b), without regard to any other order of selection which would otherwise be followed under the State plan pursuant to Section 101(a)(5)(A) of the Rehabilitation Act of 1973. In accordance with 45 CFR 1361.124, services are furnished to recipients with reasonable promptness; with appropriate staff, supervision and training of personnel to carry out the necessary functions in an effective manner; without regard to any economic need test set forth in the State plan; and include the full range of services authorized in the Act, subject to the conditions, limitations and provisions with respect to the use and payments of supplemental security income program funds presribed in 45 CFR 1361.125 and 1361.126; and in conformity with all requirements governing the State vocational rehabilitation program which are not inconsistent with 45 CFR Part 1361, Subpart E. The State agency submits budget estimates in accordance with 45 CFR 1361.127 and reports in accordance with 45 CFR 1361.128.

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General ~~or combined agency~~ X

Blind agency

	Citations
Rehabilitation Act as amended or as stated	45 CFR

Part B. Programming for fiscal year 1977

Section 20. Estimates of the numbers to be served and rehabilitated — Sec. 101(a)(10) — Sec. 1361.2(b)(2)(ii)

During the coming fiscal year, the State agency expects to serve, with the aid of Federal funds, the following numbers of handicapped individuals who at any time during the same fiscal year have been in statuses 02 through 30 and expects to rehabilitate during the same year the following numbers:

	Estimated number to be served	Estimated number to be rehabilitated
(a) Rehabilitation Act of 1973 (Section 110)	10,130	1,290
(b) Beneficiary Rehabilitation Program (Trust Funds)	640	110
(c) Supplemental Security Income-Vocational Rehabilitation Program (Title XVI)	870	100
Totals	11,640	1,500

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General ~~or combined agency~~ X

Blind agency _____

	Citations	
	Rehabilitation Act as amended or as stated	45 CFR
Section 21. Methods to expand and improve services to the most severely handicapped	Sec. 101(a)(5) & (15)	Secs. 1361.2(b)(2)(iii) & 1361.18(a)
Section 22. Changes in order of selection and outcomes and service goals	Secs. 101(a)(5)(A) & 101(a)(10)	Secs. 1361.1(q) 1361.2(b)(2)(iv (v), & 1361.31

Attachment 21A describes the methods used to expand and improve services to the most severely handicapped and also any changes in methods which have been scheduled for the coming fiscal year to strengthen the priority to the most severely handicapped.

Attachment 22A describes any changes in the order of selection described in Section 8.2 that will apply during the coming fiscal year.

Attachment 22 B describes:

(1) The outcome and service goals expected to be achieved during the coming fiscal year in each priority category within the order of selection;

(2) Any significant obstacles encountered by the State agency in the current fiscal year in attaining the goals set forth for that year and any strategies which it has adopted to overcome such obstacles; and

(3) Estimates of the time periods which will be required to achieve such goals.

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	Citations	
	Rehabilitation Act as amended or as stated	45 CFR

Section 23. Changes in policy resulting from statewide studies and annual program evaluation — Sec. 101(a)(19); Secs. 1361.2(b)(2)(i) & 1361.18(b)

There have been changes in policy made in the past fiscal year which have resulted from the continuing statewide studies of the needs of handicapped individuals and from the annual evaluation of the effectiveness of the State's vocational rehabilitation program in achieving program goals and priorities and will be conducted according to General Standards for Evaluation issued by the Secretary under Part 1362 and part 1370 of 45 CFR Chapter XIII.

/X/ No.

/ / Yes. Attachment 23A describes these changes.

Section 24. Affirmative Action Plans — Sec. 101(a)(7), title VII, Civil Rights Act of 1964, as amended; Sec. 1361.15(a) and (b) 45 CFR 70.4 29 CFR Chapter XIV

24.1 Affirmative action plan for equal employment opportunity

Attachment 24.1A describes (a) targets and (b) planned activities for the coming year under the State agency's affirmative action plan for equal employment opportunity. It also reflects(1) staffing proportions estimated as of June 30, 1976, as to members of minority groups, older persons, and women; (2) achievements during the current fiscal year; and (3) problems encountered with respect to carrying out the affirmative action plan for equal employment opportunity. (See Attachment 4.2A)

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General ~~rehabilitation~~ agency X

Blind agency

	Citations
	Rehabilitation Act as amended or as stated
	45 CFR

24.2 Affirmative action plan for employment and advancement opportunity for qualified handicapped individuals — Section 101(a)(6) — Sec. 1361.15(c)

Attachment 24.2A describes (a) targets and (b) planned activities during the coming year for achieving such targets under the affirmative action plan for employment and advancement opportunity for qualified handicapped individuals. It also reflects (1) staffing proportions of handicapped individuals estimated as of June 30, 1976; (2) achievements during the current fiscal year; and (3) problems encountered in carrying out this plan. (See Attachment 4.3A)

Section 25. Significant Problem in Implementing a Current State Plan Assurance — Section 101(a) — Sec. 1361.2

Attachment 25A describes a significant problem the State agency has encountered in the current fiscal year in implementing a required assurance provided in Part A of the annual State plan, the remedial actions it plans to take in the coming year, and the achievements anticipated as a result of such action.

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State MONTANA

General ~~Secondary~~ X

Blind agency

Citations	
Rehabilitation Act as amended or as stated	45 CFR

Effective dates and State official's signature

The effective date of this plan is October 1, 1976.

I hereby certify that I am authorized to submit this plan on behalf of

Date: May 21, 1976

Department of Social and Rehabilitation Services
(Designated single State agency)

Theodore Carkulis
(Signature)

Theodore Carkulis
(Typed name of signer)

Director
(Title)

State MONTANA

General ~~or combined agency~~ X

Blind agency

LIST OF ATTACHMENTS TO PREPRINTED STATE VOCATIONAL REHABILITATION PLAN

(a) Submitted because required of all State agencies

2A	List of Pertinent Laws and Interpretations
3.1.A	Attorney General's Certification
3.3(a)A	Organization and Functions of the Sole State Agency and VR Organizational Unit
3.3(a)B	Organization Charts
4.1A or	Responsibility for Appointment of Personnel Under a Federally Approved Merit System
4.1B	Description of Personnel System Other than a Federally Approved Merit System
4.2A	Basic Affirmative Action Plan for Equal Employment Opportunity
4.3A	Basic Affirmative Action Plan for Employment and Advancement Opportunity for Handicapped Individuals
9.11(a)A	Methods of Administration (Civil Rights)
21A	Methods of Expanding and Improving Services to the Most Severely Handicapped
22B	Outcomes and Service Goals
24.1A	Affirmative Action Plan for Equal Employment Opportunity
24.2A	Affirmative Action Plan for Employment and Advancement of Handicapped Individuals
25A	Significant Problem in Implementing a Current State Plan Assurance

(b) Submitted because of options chosen

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Vocational Rehabilitation of Visual Disabilities

It will be the policy of the Visual Services Division and the Rehabilitative Services Division that applicants who have a major disability involving their vision will be clients of the Visual Services Division. In cases of applicants with multi disabilities, of which loss of sight is a part, the counselors representing these two division in the field will make the decision as to which disability is causing the major handicap to employment and thus decide which Division would be involved. The Division accepting the client for services has the responsibility for all needed rehabilitation services to restore the client to gainful employment.

The Rehabilitative Services Division will take care of any visual problems that may occur during the course of the plan of services for any of the clients it has accepted with the following exceptions:

1. A Client who is legally blind is the responsibility of Visual Services Division regardless of any other physical problems

2. A Client having any condition requiring surgery of one or both eyes will be the responsibility of the Visual Services Division.

3. A Client having a condition which will lead to blindness is the responsibility of the Visual Services Division.

Applicants who have correctable vision in one eye and are blind in the other, should be referred first to the Visual Services Division. The major factor in determining eligibility is whether a vocational handicap exists. This is determined by the Rehabilitation Counselor with advice of the medical consultant if this is needed. If the applicant meets all three of the requirements for Rehabilitation Services, he should be accepted for services by the Visual Services Division. If the applicant does not meet the eligibility requirements for the Visual Services Division, there would be no way he would be eligible for services from the Rehabilitative Services Division, as the eligibility requirements are the same.

Laws Regarding Basic Authority

Sections 82A-101	Through 82A-123 RCM 1947 as amended (Executive Reorganization)
Sections 71-2101	Through 71-2108 RCM 1947 as amended (Recodification of Dept. of SRS)
Sections 41-816 41-819	RCM 1947 as amended VR - Extended Employment
Sections 71-2501	Through 71-2502 RCM 1947 as amended (Chronic Renal Disease)

CERTIFICATE

This is to certify that the Montana Department of Social and Rehabilitation Services possesses the authority to administer the following programs as the "single state agency" responsible for their administration:

Titles I, IV, X, XIV, XIX of the Social Security Act; the Older Americans Act; the Vocational Rehabilitation Act (29 U.S.C., Ch. 4), general and blind; Disability Determination program (inter-agency agreement with the Social Security Administration, Section 221 of the Social Security Act).

Done this 26th day of January, 1972.

ROBERT L. WOODAHL, Attorney General
State of Montana

Thomas H. Mahan

by THOMAS H. MAHAN, Special Assistant
Attorney General for the Department of
Social and Rehabilitation Services

ORGANIZATION OF THE DEPARTMENT

1. Organization of the Department of Social and Rehabilitation Services.

   a. History

      The Department of Social and Rehabilitation Services was implemented under the Executive Reorganization Act of 1971 by Executive Order of the Governor on October 28, 1971. The Department is provided for in R.C.M. 1947, Title 82A, Chapter 19.

   b. Divisions

      The Department consists of the following divisions:

      1. Rehabilitative Services Division
      2. Centralized Services Division
      3. Staff Development Division
      4. Economic Assistance Division
      5. Community Services Division
      6. Visual Services Division
      7. Veterans' Affairs Division
      8. Field Services Division

      Each division is headed by an Administrator. The first five of these divisions are further broken down into bureaus.

   c. Director

      The Director of Social and Rehabilitation Services, appointed by the Governor, heads the department and its divisions.

   d. Advisory Councils

      There are seven advisory councils advising the department: The Claims Settlement Advisory Council, the Aging Services Advisory Council, the Medical Assistance Advisory Council, the Social Services Advisory Council, the Eligibility Determination Advisory Council, the Youth Development Advisory Council, and the Community Coordinated Child Care Council. These councils have no rule making or rule adjudicating authority within the Administrative Procedure Act.

2. Functions of the Department.

   a. Centralized Services Division

      The Centralized Services Division performs the general fiscal administrative support functions of the department. Its activities include purchasing, information and education, research, accounting, legal functions, budgeting, payroll, personnel, statistics, records and records management.

b. Staff Development Division

The purpose of the Staff Development Division is to help administrative and supervisory staff make effective use of sound training principles, methods and techniques in the discharge of their responsibility to increase the competence and skill of the staff. The Staff Development Division is responsible for helping to develop training in all divisions. Its activities include orientation programs, in-service training, and coordination of all training in the Department of Social and Rehabilitation Services. The division's functions are essentially supportive.

c. Rehabilitative Services Division

The Rehabilitative Services Division provides rehabilitation services to promote the restoration of Montanans having physical or mental disabilities constituting a handicap to employment and who can reasonably be expected to benefit from the service. The components of the Rehabilitative Services Division are:

1. The Rehabilitative Services Bureau which provides needed services to vocationally handicapped people.

2. The Special Projects Bureau which insures the effective establishment and utilization of rehabilitation facilities.

3. The Disability Determination Bureau which is responsible for the disability aspects of allowance or denial decisions or applications for Social Security Disability benefits or Supplemental Security Income on Montana residents.

d. Visual Services Division

The Visual Services Division provides rehabilitation and other services to individuals who are blind, partially blind, or who may be losing their sight.

Services provided include diagnosis and evaluation; counseling and guidance; physical restoration, including surgery, hospitalization and treatment; prosthetic appliances; training and training materials, including tuition, books and supplies; tools and equipment; reader service; maintenance; transportation; services to family members; placement and follow-up services.

The division also makes available to rehabilitation clients such special services as orientation mobility which includes assisting individuals to function more independently; business enterprise supervision to assist blind persons to operate small businesses such as vending stands; recording of text books on tape and supplying tape recorders for the student's use; provision of glasses, artificial eyes, special lenses, etc. Other special equipment, as needed, such as braille writers and other appliances are also furnished.

e. Veterans' Affairs Division

The Veterans' Affairs Division assists veterans and their dependents in obtaining federal benefits due them from the Veterans Administration by advising them of the benefits available, assisting with the filing of claims, and acting as their accredited representatives whenever required.

f. Economic Assistance Division

The Economic Assistance Division regulates and administers programs of financial assistance to needy persons through its components of (1) Eligibility Determination Bureau, (2) Medical Assistance Bureau, and (3) Food Supplement Unit.

The Eligibility Determination Bureau has the responsibility of determining initial and continuing eligibility of persons who apply for or receive assistance or medical benefits. All applications for assistance are made through the County Welfare Department.

g. Community Services Division

The Youth Development Bureau has as its goals youth development and delinquency prevention. To attain these goals the Bureau uses field workers who act as program coordinators and facilitators in project communities. The field workers identify youth serving agencies, help coordinate the various youth programs of the community, and assist in the establishment of new programs.

Family and Adult Services Bureau offers services to those falling within the agency requirements. Among the services offered are employment services, services to assist adults in meeting health needs, protective services, homemaker services, self care services, socialization services, adult foster care services, transportation, meals-on-wheels services, legal services, family planning and specialized services to developmentally disabled. Those people eligible for services are those people who have applied for or are receiving Supplemental Security Income, Aid to Families with Dependent Children, and Medical Assistance. Limited services are offered to General Assistance and Food Stamp recipients to prevent them from becoming categorical assistance recipients.

Aging Services are provided to provide a healthy and enjoyable environment for the senior citizen in Montana. The Bureau administers grants made under Title III and Title VII of the Older American's Act of 1965. The programs deal with social activities, employment, recreational activities, transportation, nutritional needs and requirements of the senior group.

Child Welfare Services Bureau provides placement services to supplement parental care and social services for the purpose of preventing, remedying or assisting in the solution of problems which may result in the neglect, abuse, exploitation or delinquency of children; protecting and promoting the welfare of children of working mothers. Services are also provided for safeguarding the welfare of children born out of wedlock and assisting unmarried parents; providing for adequate care of children away from their own homes on a full time or part time basis; establishing standards in licensing facilities for care of such children.

Community Coordinated Child Care Unit provides services to coordinate existing agencies and groups to bring about more comprehensive services for children, and to identify gaps in children's programs and bring about change. Child Care Services receive assistance to upgrade their programs and help to obtain grants and support from other sources.

Children and Youth Program unit builds programs and recommendations for action to enable the people of Montana, both young and old, to deal with major issues confronting their children and youth on local, state and national levels.

h. Field Services Division

The Field Services Division is responsible for coordinating and evaluating the effectiveness of field activities in the various divisions of the Department of Social and Rehabilitation Services. The program is implemented through field visits, regional meetings, reporting, and staff development and training for field representatives. Recommendations are made by the regional representatives for the planning and coordination of services and facilities. The division also carries primary responsibility for administrative supervision of social and rehabilitation services programs. Management studies and surveys are made by the division to evaluate needs and make recommendations.

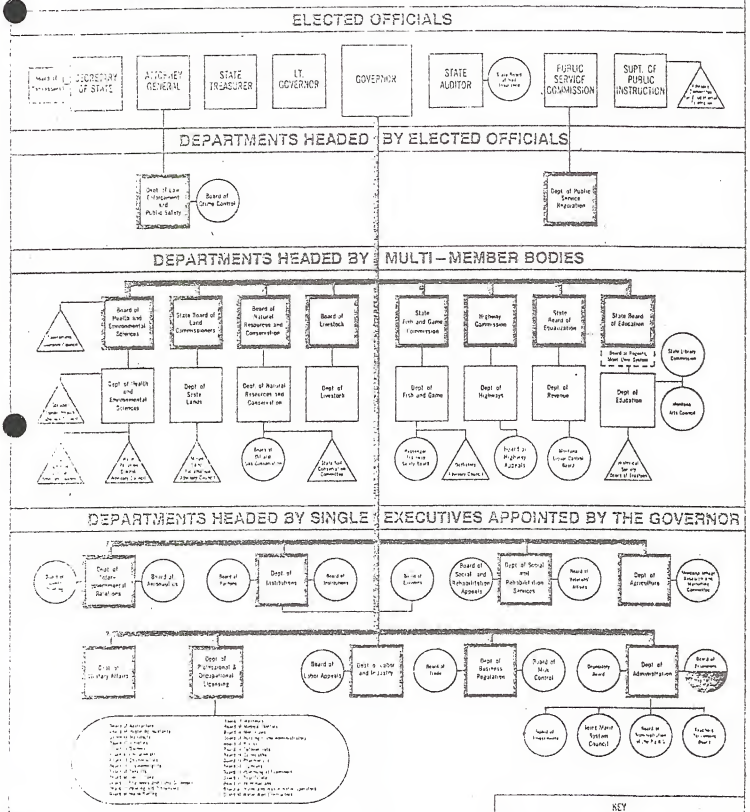
i. Developmental Disabilities Program

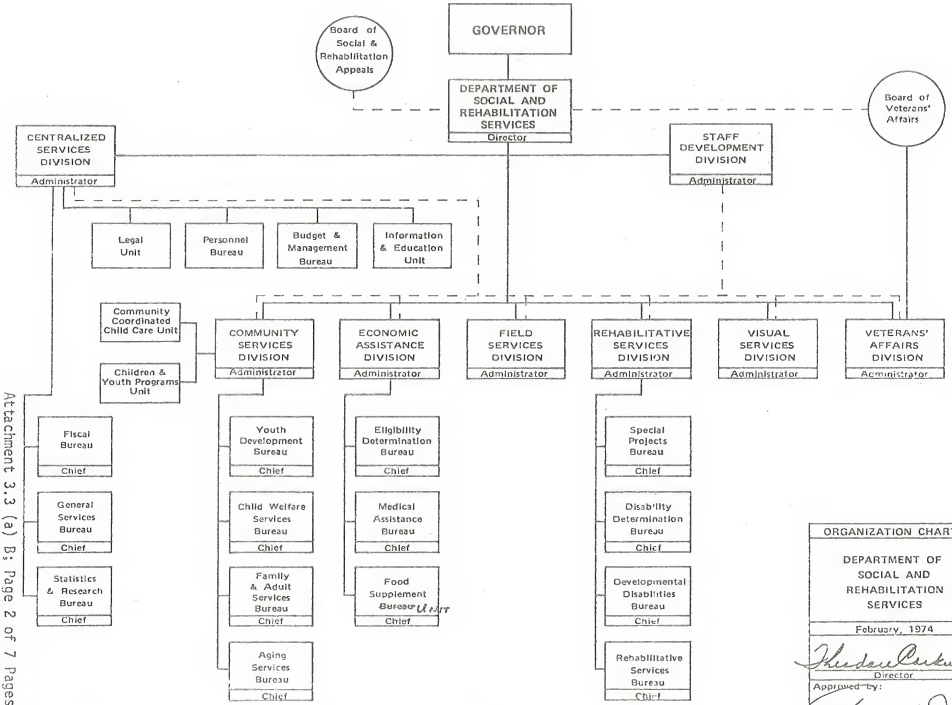
The Developmental Disabilities Program which administers the Federal Grant under PL 94-103 for Montana, operates a purchase of service program for eligible developmentally disabled persons, age 18 and over, and general coordination and planning for the developmentally disabled of Montana.

3. Board of Social and Rehabilitation Appeals.

The creation and function of the board is found in Section 82A-1906-1907, R.C.M., 1947. The board consists of three members appointed by the Governor for four year terms, and the director of the department who serves as chairman of the board. The board exercises quasi-judicial functions and is allocated to the department for administrative purposes only. The function and rules of the board are enumerated in the Fair Hearing rules.

STATE OF MONTANA
ORGANIZATION OF THE EXECUTIVE BRANCH


ELECTED OFFICIALS
SECRETARY OF STATE
ATTORNEY GENERAL
STATE TREASURER
LT. GOVERNOR
GOVERNOR
STATE AUDITOR
PUBLIC SERVICE COMMISSION
SUPT. OF PUBLIC INSTRUCTION
DEPARTMENTS HEADED BY ELECTED OFFICIALS
Dept. of Law Enforcement and Public Safety
Board of Crime Control
Dept. of Public Service Regulation
DEPARTMENTS HEADED BY MULTI-MEMBER BODIES
Board of Health and Environmental Sciences
State Board of Land Commissioners
Board of Natural Resources and Conservation
Board of Livestock
Dept. of Health and Environmental Sciences
Dept. of State Lands
Dept. of Natural Resources and Conservation
Dept. of Livestock
State Fish and Game Commission
Highway Commission
State Board of Equalization
State Board of Education
Dept. of Fish and Game
Dept. of Highways
Dept. of Revenue
Dept. of Education
State Library Commission
Historical Society
Arts Council
DEPARTMENTS HEADED BY SINGLE EXECUTIVES APPOINTED BY THE GOVERNOR
Dept. of Intergovernmental Relations
Board of Investments
Dept. of Commerce
Dept. of Administration
Dept. of Agriculture
Dept. of Military Affairs
Dept. of Professional & Occupational Licensing
Board of Labor Appeals
Dept. of Labor and Industry
Board of Natural Resources and Conservation
Board of Oil and Gas Conservation
Dept. of Natural Resources and Conservation
Board of Water Well Contractors
Board of Water Resources
Dept. of Natural Resources and Conservation
Board of Health and Environmental Sciences
Dept. of Health and Environmental Sciences
Board of Natural Resources and Conservation
Dept. of Natural Resources and Conservation
Board of Livestock
Dept. of Livestock
Board of Fish and Game
Dept. of Fish and Game
Board of Highways
Dept. of Highways
Board of Equalization
Dept. of Revenue
Board of Education
Dept. of Education
Board of Regents of Higher Education
Board of Public Education
Board of Land Commissioners
Dept. of State Lands
Board of Public Welfare
Dept. of Social and Rehabilitation Services
Board of Social and Rehabilitation Appeals
Dept. of Social and Rehabilitation Services
Board of Veterans' Affairs
Dept. of Veterans' Affairs
Board of Pardons
Dept. of Institutions
Board of Institutions
Board of Crime Control
Dept. of Justice
Board of Milk Control
Dept. of Business Regulation
Board of Banks
Dept. of Commerce
Board of Labor Appeals
Dept. of Labor and Industry
Dept. of Military Affairs
Adjutant General
Disciplinary Board
Dept. of Administration
Board of Investments
Board of Examiners
Board of Land Commissioners
Dept. of Administration
Board of Investments
Hard Rock Mining Impact Board
Board of Natural Resources and Conservation
Dept. of Natural Resources and Conservation
Teachers' Retirement Board
KEY
An Agency Allocated To A Principal Department For Administrative Purposes Only
Inactive Constitutional Agency
Ex Officio Board
Designated As Entirely Or Primarily For Advisory Purposes



ORGANIZATION CHART

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

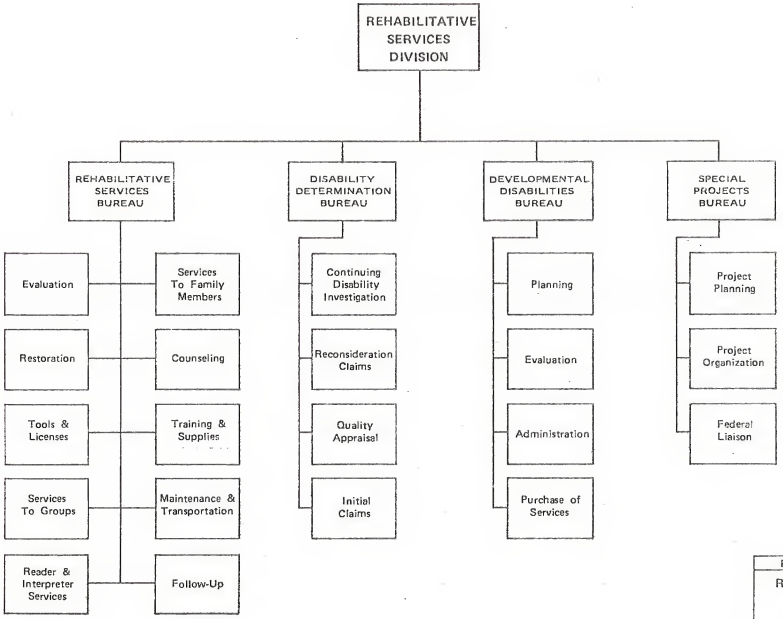
February, 1974

Director

Approved by:

Governor

Attachment 3.3 (a) B; Page 2 of 7 Pages
Effective Date: February 1, 1974



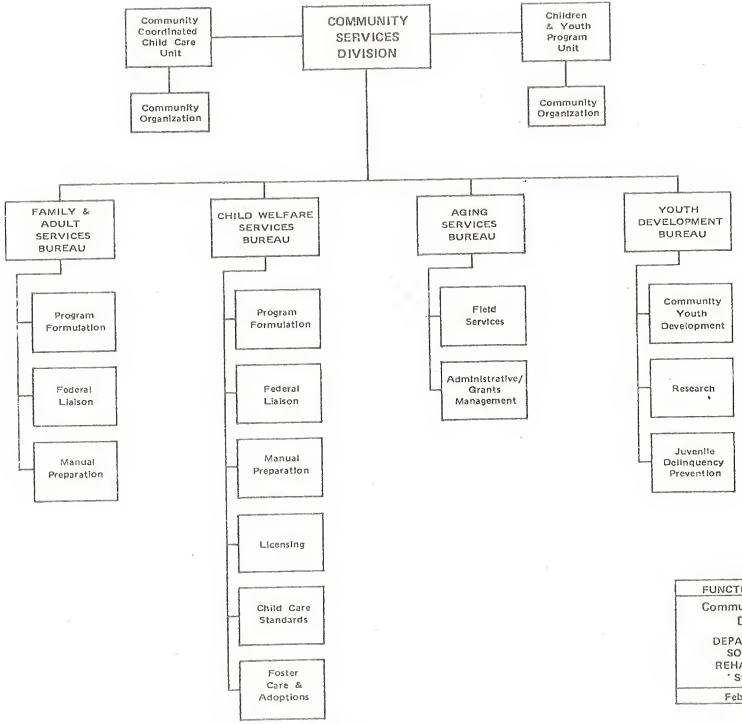
FUNCTIONAL CHART

Rehabilitative Services Division

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

February, 1974

Attachment 3.3 (a) B; Page 3 of 7 Pages
Effective Date: February 1, 1974

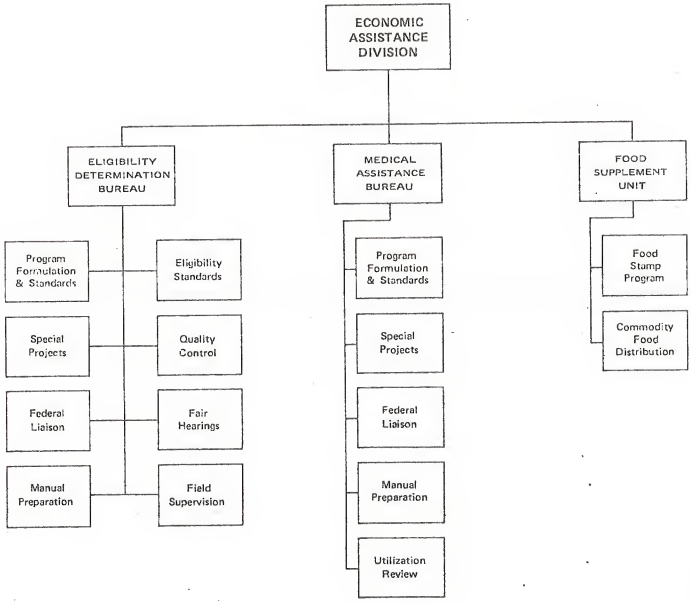


FUNCTIONAL CHART

Community Services Division

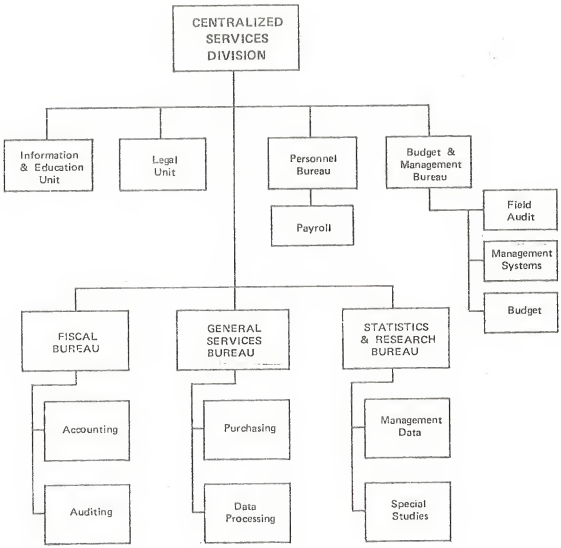
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

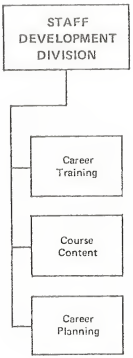
February, 1974



FUNCTIONAL CHART
Economic Assistance Division
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
February, 1974

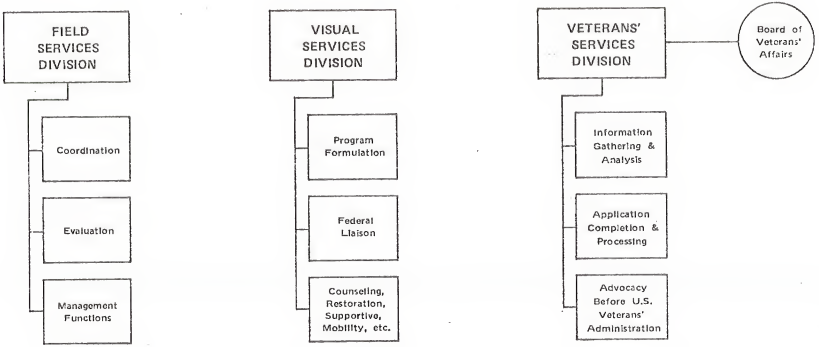
Attachment 3.3 (a) B
Page 5 of 7 Pages
Effective Date: February 1, 1974





FUNCTIONAL CHART
Centralized Services and Staff Development Divisions
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
February, 1974

Attachment 3.3 (a) B
Page 6 of 7 Pages
Effective Date: February 1, 1974



FUNCTIONAL CHART

Field Services, Visual Services and Veterans' Affairs Divisions

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

February, 1974

Attachment 3.3 (a) B
Page 7 of 7 Pages
Effective Date: February 1, 1974

STATEWIDENESS

All State Division standards described in this plan or otherwise prescribed will be in effect in all political sub-divisions of the State except for waiver of Statewideness for additional activities in one or more political sub-division through local financing as described below.

The State Division desires waiver of Statewideness in order to carry out the following activities to promote the vocational rehabilitation of larger numbers of handicapped individuals in the following areas of disability:

(a) For the Developmentally Disabled, or any other vocationally handicapped individual (emphasis on the severely handicapped) who is also receiving special services from the school, by means of a cooperative agreement between an individual school district and the Rehabilitative Services Division.

1. This Division will provide all rehabilitation services (as defined in 6.1(a)) to this group, with an emphasis on the provision of necessary work skills for gainful employment.

(b) For the youthful public offender confined to the Pine Hills School for boys by means of a cooperative effort between the Pine Hills School of the Department of Institutions and the State Division.

(c) For the severely disabled deaf and hard of hearing attending the Great Falls School for the Deaf and Blind by means of a cooperative effort between the Great Falls School for the Deaf and Blind of the Department of Public Instruction and the State Division.

(d) The State Division will:

1. Obtain a full written description of any activity to be conducted under a waiver in a particular political sub-division;

2. Obtain written assurance from the political sub-division that the non-Federal share of funds is available to the State Division;

3. Require prior State Division approval of each individual proposal before the proposal is put into effect in a political sub-division;

4. Furnish such information and reports as the Administrator may from time to time require;

5. Have sole responsibility for administration of the program in a particular local political sub-division, and

6. Apply all the requirements of the State Plan to any activity carried out pursuant to a waiver of Statewideness, except that funds made available to the State Division by a political sub-division of the State (including funds contributed to such sub-division by a private agency, organization, or individual) may be earmarked for use within a specific geographical area, or for a specific facility, or for the benefit of a group of individuals for a particular disability provided that the funds are not further earmarked for a particular individual or for members of a particular organization or for the donor's facility.

RESPONSIBILITY FOR APPOINTMENT OF PERSONNEL

The Executive Reorganization Act of Montana (Section 82A-107 RCM 1947) under Duties and Powers of Department Heads gives the Director of the Department of Social and Rehabilitation Services the Powers of:

(1) Subject to law and the State Merit System establish and make appointments to subordinate positions.

(2) Subject to law and the State Merit System transfer employees between positions and change duties and titles of employees.

(3) Subject to law and the State Merit System remove employees and fix their compensations.

Powers 1 and 2 have been delegated to Division Administrators.

REHABILITATIVE SERVICES DIVISION

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY

This agency accepts its responsibilities in taking affirmative action to assure equal employment and advancement opportunity for otherwise qualified physically or mentally handicapped persons; members of minority groups on the basis of race, color, and national origin; older persons, and women for all positions.

RESPONSIBILITY FOR PROGRAM

Jack Stuart, Chief of SRS Personnel Bureau, and W. R. Donaldson, Administrator, Rehabilitative Services Division.

APPOINTMENT AND PLACEMENT

Special arrangements will be made for Merit Testing if this is required.

Minority and the physically or mentally handicapped group applicants will be given equal consideration in appointments.

Minority and the physically or mentally handicapped employee will be given special attention to help them adjust during the probationary period.

Supervisors who work with minority or handicapped employees will be given training in helping them adjust to work situations.

PROMOTIONS

Supervisory evaluations will be used as a basic part of selecting employees for promotion.

Career patterns will be developed for all employees.

Promotions for clerical or aide classes will be based on supervisory evaluations and qualification requirements with substitution of appropriate experience. The career planning functions of the Staff Development Division is an integral part of hiring, promotions, transfers, and reinstatements.

OTHER PERSONNEL ACTIONS

Minority and the physically or mentally handicapped employees will be encouraged to discuss problems within regular channels. If this proves inadequate, employees will be afforded the opportunity to go through other channels such as the Employee Advisory Committee.

Alleged discrimination will be fully explored and corrective action will be taken through the Civil Rights Compliance function of the Personnel Bureau, the State Human Rights Bureau, the State EEO Office or the Regional Civil Rights Office in Denver, and the Merit System Council.

Special parking arrangements will be made if this is required.

TRAINING AND EDUCATION

In-service training is provided to prepare employees for advancement in both the para-professional and professional fields.

Training is provided through the Staff Development Division. Training will include basic orientation, seminars, workshops, educational leave, as well as other training made available under the Inter-Governmental Personnel Act.

Employees will be closely supervised to assure them of developing skills to enable them to advance to higher positions.

PROGRAM EVALUATION

The State EEO Bureau will maintain the necessary data on a department basis. This is submitted to EEOC, Washington, D. C. The Division will maintain data on compliance within the Division. This is available upon request.

Information will be compiled to determine the number and types of individuals from minority groups actually available for employment.

Statistics will be developed to determine minority employment in the following groups: Negro, Oriental, American Indian, Spanish Surnamed, and other national origin groups.

The program evaluation will focus on the number of minority employees by agency, geographic locations, and major job groups, pay grades and major occupational fields.

Program evaluation will specifically aim at maintaining information on the effectiveness of employing and retaining employees from the minority and the physically or mentally handicapped groups.

Cooperative arrangements have been made with the Veterans Administration, the U. S. Forest Service and other Federal agencies regarding employment of the handicapped individuals in the Federal Government.

The extent and scope of this commitment will be conditional on availability of funds.

Montana Population - 1970 Census

Race	Number	Percentage
White	655,272	94.3%
Spanish Surnamed	7,771	1.1%
Negro	1,995	.3%
Indian	27,130	3.9%
Oriental	1,099	.15%
All Others	1,142	.16%
Totals	694,409	99.91%

As of July 1, 1975, the Rehabilitative Services Division had the following staffing pattern in the Vocational Rehabilitation Program:

	Author-ized	Filled	Female		Minority		Physical or Mental Handicap	
			No.	%	No.	%	No.	%
Professional	47	45	11	24%	1	2%	10	22%
Clerical	31	26	26	100%	2	8%	3	12%
Aide	12	11	6	55%	8	73%	4	36%
TOTAL	90	82	43	52%	11	13%	17	21%

Pamphlets and material being utilized with consumers have statements of compliance included.

Forms on compliance have been developed for posting in VR Offices and with vendors. Forms on agreement to comply have been developed for use with vendors.

July 1, 1975

W. R. DONALDSON, Administrator
Rehabilitative Services Division

Attachments: Corrective Actions
Forms on Compliance

Current Status	Action	Responsible Official	Target Date
A. Low percentage of Professional Staff are Minority	A-1 Increase of recruitment of qualified persons A-2 Training existing staff through staff training and education to meet professional qualifications	W. R. Donaldson, Administrator, Rehabilitative Services Division	July 1, 1977
B. Affirmative Action Plan developed by Rehabilitation Facilities	Provide technical assistance in planning and development and secure written assurance of compliance	Chief, Special Projects Bureau	July 1, 1976
Affirmative Action Plans maintained by Rehabilitation Facilities	Staff monitor plans annually through site visits	District Supervisors	On going
C. Development - Coordinating - Implementing and Evaluation of Affirmative Action Plan		Administrator Six (6) District Supervisors	July 1, 1975 On going
D. Staff uninformed as to their responsibilities	Schedule training for all staff	Staff Training Specialist	July 1, 1976

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE REGULATION UNDER
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964;
PUBLIC LAW - 93-112; AND SECTIONS 64-301 THRU 64-312
RCM, 1947 AS AMENDED

_____
(Name of Institution)

HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that Title, to the end that, in accordance with Title VI of the Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

The Rehabilitation Services Division is a State agency and receives part of its financial support from federal funds from the Rehabilitation Services Administration which is under Health, Education and Welfare.

The Rehabilitation Services Division will comply with Title VI of the Civil Rights Act of 1964; Public Law - 93-112, and Sections 64-301 thru 64-312 RCM, 1947 as amended. Therefore, we will not discriminate on the basis of (race, creed, color, sex, physical or mental handicap, or national origin) either in the provision of any of our services or in our staffing. Any agency, organization, school institution, etc., that is utilized by this Division also must comply with Title VI of the Civil Rights Act; Public Law - 93-112, and Sections 64-301 thru 64-312 RCM, 1947 as amended, which means that in the provision of their service, be it education, hospitalization, medical care, etc., they are not allowed to discriminate based on (race, creed, color, sex, physical or mental handicap, or national origin) in the provision of their service or in their employment practices.

Compliance with the Civil Rights Act should be made clear to all potential applicants through written or verbal means. This means that any informational pamphlets, hand-out material, advertising by newspaper, radio or T.V. must carry a statement that the institution does not discriminate and does comply with Title VI of the Civil Rights Act; Public Law - 93-112, and Sections 64-301 thru 64-312 RCM, 1947 as amended. This information should also be in any employee handbooks or written employee policy statements if the institution has these. It must also be understood that the institution cannot place a student where the job order specifies or excludes anyone because of their race, color, or national origin.

Dated_____ _____
(Institution)

BY_____
(President, Chairman of Board, or
comparable authorized official)

_____

_____
(Mailing Address)

PLEASE POST

CIVIL RIGHTS COMPLIANCE

BY

THE REHABILITATIVE SERVICES DIVISION
MONTANA DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Pursuant to Title VI of the Civil Rights Act of 1964, the Regulations issued thereunder, and Sections 64-301 through 64-312 RCM, 1947 as amended, the programs administered by Rehabilitative Services Division of the Department of Social and Rehabilitation Services, are being and will continue to be conducted in such a manner that no person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under such programs on the ground of race, creed, color, sex, physical or mental handicap, or national origin. The State Division is in fact administering the programs in accordance with the Law, the Regulations, and the policies and practices as indicated below.

No individual will on the ground of race, creed, color, sex, physical or mental handicap, or national origin be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under the Division's programs, nor will the individual be restricted in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under the program. This includes any distinction with respect to space where services are offered or provided, housing and eating facilities, waiting rooms and restrooms. Neither will separate times be set aside on the ground of race, creed, color, sex, physical or mental handicap, or national origin for the provision of services.

Any alleged discrimination should be reported to the Administrator of the Rehabilitative Services Division, the Chief of the Personnel Bureau, the State Human Rights Bureau, the State Merit System, or the Regional Civil Rights Office in Denver.

REHABILITATIVE SERVICES DIVISION
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

May 11, 1976
Date

Walter R. Donaldson
Walter R. Donaldson, Administrator

PLEASE REMOVE ALL CIVIL RIGHTS STATEMENTS PREVIOUSLY SENT AND POST THIS ONE

STATE ECONOMIC NEED POLICIES

(a) Economic need of each client will be established simultaneously with, or within a reasonable time prior to, the provision of those services for which the Division requires a needs test. No economic needs test will be applied as a condition for furnishing the following vocational rehabilitation services:

(1) Evaluation of rehabilitation potential, including diagnostic and related services (including transportation).

(2) Counseling, guidance and referral services.

(3) Placement in suitable employment.

(4) Vocational and other training services.

(b) Services contingent upon economic need include:

(1) Physical and mental restoration services
(2) Maintenance
(3) Transportation, except when necessary in connection with determination of eligibility or nature and scope of services.
(4) Occupational licenses, books and training supplies.
(5) Tools, equipment and initial stocks and supplies.
(6) Services to members of a handicapped individuals family.
(7) Interpreter services for the deaf.
(8) Reader services for the blind.
(9) Telecommunications, sensory, and other technological aids and devices.
(10) Post employment services.
(11) Other goods and services.
(12) Facilities and Services for groups of handicapped individuals.

ORDER OF SELECTION

Other groups of handicapped individuals decided upon by the Rehabilitative Services Division are the Industrially Injured and the American Indian. These will be given a priority in selection for service by the Agency.

CIVIL RIGHTS - STATEMENT OF COMPLIANCE

(a) Pursuant to the provisions of Title VI of the Civil Rights Act of 1964, and the Regulations issued thereunder, the programs administered by the Montana Rehabilitative Services Division is being and will continue to be conducted in such manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under such program on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation. The State agency is in fact administering the program in accordance with the law, the Regulations, and the policies and practices enumerated in paragraph 2 below.

(b) The State agency will conduct the vocational rehabilitation program in accordance with the provisions of Title VI and the Regulations issued thereunder, and, more specifically, will follow policies and practices including but not limited to those described below.

(1) No individual will on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation be denied any services, financial aid, or other benefits provided under the vocational rehabilitation program or be provided a service, financial aid, or other benefit which is different, or is provided in a different manner, from that provided to other under the program. Such services, financial aid, or other benefits include all vocational rehabilitation services under the Vocational Rehabilitation Act, the Regulations governing the Vocational Rehabilitation program and the approved State Plan, and such related matters as the making of appointments, the designation of waiting periods, the selection of employment objectives, the quality of the services provided, and the selection and assignment of operators of vending stands and other small businesses.

(2) No individual will on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation be subjected to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefits under the vocational rehabilitation program, of any advantage or privilege enjoyed by others receiving any service, financeal aid, or other benefit under the program. This includes any distinction with respect to spaces where services are offered or provided, housing and eating facilities, waiting rooms, and restrooms. Neither will separate time be set aside on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation for the provision of services.

(3) Employees of the State agency, or of other agencies or organizations participating in the vocational rehabilitation program, will not be assigned caseloads or clientele on the basis of race, color, national origin, sex,age, creed, or political affiliation of the person being served.

(b)(4) Individuals will not, on the ground of race, creed, color, national origin, sex, age physical or mental disability, or political affiliation be denied the opportunity to participate (other than as employees except as provided in (5) below) in the vocational rehabilitation program, or be afforded others. This includes opportunities to participate as providers of any services, as conferees, observers, consultants or advisors.

(5) The State agency will make no distinction on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation in its employment practices with respect to individuals seeking employment or employed under a part of the vocational rehabilitation program where a primary objective of that part is to provide employment. This includes situations in which the employment is provided to students, fellows, interns, residents, or others in training for related employment (including research associates or assistants in training for research work), or to provide remunerative activity to individuals who because of severe handicaps cannot be readily absorbed into the competitive labor market.

(6) In making determinations of the types of activity to be included in the vocational rehabilitation program of the geographical areas in which such program or activity will be carried out, or the persons who will be served or afforded an opportunity to participate, criteria or methods of administration will not be used which have the effect of subjecting individuals to discrimination because of their race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation.

(7) The State Agency recognizes that its obligation to conduct the program in accordance with the requirements of the law and the regulations extends not only to those activities which are conducted directly by the state agency but also to all activities under the program which are conducted by other agencies, institutions, organizations, or political sub-divisions, through contracts, or other arrangements with the state agency. This includes any activity supported with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements, and also includes other conditions which must be met in order to receive the Federal financial assistance.

(8) The state agency will not approve any application, or make any expenditures, for the establishment or construction of a workshop or rehabilitation facility, through the expansion, remodeling, or alteration of existing buildings, ir the acquisition of initial equipment, until it obtains or furnishes an assurance in a form approved by the Commissioner of The Rehabilitative Services Administration that the applicant will comply with all the requirements imposed by or pursuant to the Act of the Regulations.

(b)(9) The State agency will maintain such records and submit such reports as may be required by the Commissioner of Rehabilitative Services Administration to assure compliance with the regulations and will permit access during the normal business hours of the State agency to such of its facilities, records, and other sources of information as may be pertinent to ascertain compliance with the regulations, and will require the same from other agencies, institutions, organizations, or political sub-divisions participating in the program.

(10) The State agency will make available to participants, beneficiaries, and other interested persons such information regarding the provisions of the Act and the Regulations, and make available such information in such manner, as may be required by the Commissioner of Rehabilitative Services Administration to apprise such persons of the protections against discrimination assured them by the Act and the Regulations and will require the same from other agencies, institutions, organizations, or political sub-divisions participating in the program.

METHODS OF ADMINISTRATION

The State agency will inform and instruct its own staff concerning their obligations under the act, the Regulations, and the Statement of Compliance filed by the State Agency by:

(a) Making copies of all pertinent documents available to the entire staff;

Conducting as a regular part of its in-service training program, meetings to explain to all staff the intent and meaning of such documents and to instruct them as to their obligation in carrying out the policies contained therein;

Conducting through regular supervisory channels, constant review of practices and policies to assure that no individual is being discriminated against because of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation.

(b) The State Agency will inform and instruct other agencies, institutions, organizations, and political sub-divisions which provide services, financial aid, or benefits under the program of their obligations to comply with the Act, Regulations, and the Statement of Compliance filed by the State agency as a condition to their initial or continued financial participation in the program. This will be accomplished through:

Making clear, through written materials and personal explanations on a group or individual basis, the requirements of the Civil Rights Act and implementing Regulations and the policies and undertakings of the State agency to effectuate these requirements;

Where another agency, institution, organization or political sub-division conducts any activity or furnishes vocational rehabilitation services under a sub-grant, contract or other arrangement, assuring itself that such activity will be conducted or such services will be furnished in accordance with the agency's obligations in its Statement of Compliance. This will be accomplished in appropriate cases by determining that the agency, institution, organization or political sub-division has executed an assurance in the form prescribed by the Department of Health, Education, and Welfare which is currently effective and applicable to the program under which the activity is conducted or the services furnished. In other cases, the State agency will take appropriate steps to satisfy itself that the other agency, institution, or political sub-division has agreed to and is conducting the activity or furnishing the service in accordance with the provisions of the Statement of Compliance. This includes the use of memoranda of understanding setting forth specific obligations and undertakings of the other agency, institution, organization or political sub-division, or certifications of compliance on each voucher presented for payment to the State agency staff to assure the compliance of any other agency, institution, organization, or political sub-division participating in the program.

(c) The State Agency will inform clients, participants, potential clients and participants, and other interested persons, of the fact that services financial aid, and other benefits under the program are provided on a non-discriminatory basis, as required by the Civil Rights Act, and of their right to file a complaint with the State agency, of their right to file a complaint with the Federal agency, or both, if they believe that discrimination on the ground of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation, is being practiced. This will be accomplished by the Division's regular appeal process.

Inclusion of appropriate explanatory statements in public information materials which will be made available to interested persons and particularly to those individuals and groups which may be sources of referrals and applications.

(d) All complaints concerning discrimination because of race, color, national origin, sex, age, physical or mental disability, creed, or political affiliation shall be filed inwriting, shall describe the type of discrimination alleged, and shall indicate when and where such discrimination took place and describe any pertinent facts and circumstances surrounding the alleged discrimination. The complaint shall be signed by the person making it. All complaints shall be addressed to the State Administrator on the Rehabilitative Services Division who will assign them for thorough investigation through established supervisory channels. After the complaint has been looked into, the Administrator shall determine whether or not any discriminatory practice has been carried on and if he determines that one has, he will take such actions as may be necessary to correct past practices and to prevent the recurrence of such discrimination. The complainant shall be advised in writing as to the findings of the State Division regarding the complaint.

If the complainant is not satisfied with the results of the State Division's investigation he may request that the matter be presented to the State Department of Social and Rehabilitation Services, in which case the Administrator shall present to the Department a statement of the matter, a copy of which shall be furnished the complainant who shall have an opportunity to comment thereon, and such comments shall be considered by the Department prior to its decision on the matter. The claimant will be informed in writing the result of the Department's consideration.

The State agency will maintain adequate records to show the action taken as a result of each complaint and will make such information available to the Rehabilitation Services Administration, or its duly authorized representative.

(e) As often as necessary, the Chief of Rehabilitative Services will visit institutions, organizations, and political sub-divisions participating in the program to assure that their practices conform with Title VI of the Civil Rights Act and the Regulations issued pursuant thereto as reflected in the Statement of Compliance. Through regular supervisory reviews, the Chief of Rehabilitative Services and supervisory personnel will determine whether discriminatory practices are being engaged in by State Division personnel and will take such corrective action as may be required to insure that their actions are consistent with Title VI of the Civil Rights Act and the regulations issued pursuant thereto as reflected in the Statement of Compliance.

SECTION 21. Methods to Expand and Improve Services to the most severely handicapped.

We have attempted to redirect the Vocational Rehabilitation Program within the State. It appears that we will meet the goals established for the 1976 Fiscal Year for rehabilitations; in percentage of severely disabled; not, however, the total number served. Inflation has increased the cost of services; the priority of serving the severely disabled has also increased the case service cost per client. Without additional staff and greatly increased funding , at both the State and Federal level, the total number of clients served cannot possibly increase.

(1) Outreach, intake, and referral practices

The Division has ten counselor aides, six on Indian Reservations and four in major operation centers. The aides provide outreach and prompt contact intake within their localities. We now have two counselors trained for serving the deaf; better coordination with the Montana Association for the Deaf and I feel outreach and intake for this disability group has increased greatly. We have coordinators for the SSI, SSDI and Industrially Injured, and have prompt referral and follow-up for those particular groups. We receive monthly printouts, by counselor, a copy for the counselor, district supervisor, and Chief of Bureau. The printout has the name, status and months in status for each case. These are monitored for case movement and all case management functions.

(2) Evaluation of rehabilitation potential, including Extended Evaluation

Use of Extended Employment Teams consisting of VR Counselor, DD Community Worker, Eligibility Technicians, Social Workers, Facility Representative, plus others as appropriate, has been expanded to Day Care and Avocational Centers throughout the State. These teams will assess appropriateness of all aspects of program for recipients and potential for proper program and funding sources re-evaluated at least each six months. Vocational Rehabilitation has the responsibility for evaluation of vocational rehabilitation potential and full use of Extended Evaluation. This has been effective in vocational rehabilitation exposure to the severely disabled, particularly the developmentally disabled, and has increased severely disabled in the caseload.

(3) Services, with particular emphasis on placement and post-employment services.

Job Seeking Skills training has been provided to all counselors and aides on the staff.

Importance of appropriate job placement, follow-up and post-employment services has been stressed at training sessions and supervisory conferences.

(4) Cooperative arrangements and agreements

The Division has established and will maintain cooperative working relationships with various agencies with which we deal in providing rehabilitation services. Included among these are:

a. Department of Social and Rehabilitation Services
   Community Services Division
   Economic Assistance Division
   Visual Services Division
   Veterans Affairs Division

b. Department of Labor and Industry
   Worker's Compensation Division
   Employment Security Division

c. Bureau of Employees' Compensation
   Department of Labor

d. Social Security Administration of the Department of Health, Education, and Welfare

e. Department of Institutions

The Division will also establish and maintain working relationships with other public and voluntary agencies, such as the State Mental Hospital, Tuberculosis Sanitarium, Crippled Children's Service, Veterans' Administration facilities, State and Federal agencies administering Wage and Hour Laws applicable to handicapped in workshops and in competitive employment, agencies administering special education, the Economic Opportunity and Manpower Development and Training Programs, the State Selective Service Systems, hospitals, health departments, schools, and public and private social and health agencies furnishing services related to vocational rehabilitation, so as to assure maximum utilization on a coordinated basis of all services available in the State for handicapped persons.

The Division has established reciprocal referral arrangements with the Visual Services Division, Community Services Division, and the Economic Assistance Division of the Social and Rehabilitation Services, which will provide for the utilization of each others services and facilities to the extent practicable and feasible; will jointly plan activities which will improve services to the handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

The Division has cooperative agreements with Special Education Classes in 25 School Districts for vocational rehabilitation services to these clients.

(5) Utilization of facilities

A steady process of utilization of rehabilitation facilities has continued.

Funds will be set aside for Work Evaluation, Work Adjustment and Extended Employment services and allotted to the District Offices.

We have had joint training sessions with the rehabilitation facilities and are continually developing new methods for training our staff and facility staff in the needs of rehabilitation clients. Increased funding will be made available for work evaluation, work adjustment, and skilled training during the coming Fiscal Year.

(6) The I and E Grant

a. One Placement Person was placed in each of five Rehabilitation Facilities for intensive placement of the severely disabled. It is anticipated 120 severely disabled will be placed during Fiscal Year 1977.

(7) Program Planning and Evaluation, including statewide studies.

Authorization has been received and a staff person for program planning and evaluation has been hired and assigned this duty. We will be doing systematized planning and evaluation, stating the 1976 Fiscal Year, including a continuation of statewide studies.

(8) In-Service Training

Two sessions a year are planned for orientation training on a regional basis at the University of Colorado Medical Center. Fifteen to twenty counselors and counselor aides will attend this two-week orientation training on all aspects of rehabilitation, with a heavy emphasis on medical aspects and disabilities; and two sessions for experienced counselors, the same type of training at a higher level.

Approximately one-third of our counselors will attend workshops on specific disabilities at the University of Colorado Medical Center in Denver; the University of Oklahoma will provide training in supervision of all of our supervisors. Staff development will be intensifying training for all classes of employees to comply with the requirements of 1973 and 1974 legislation.

(9) Special administrative measures or arrangements

Special case service budgets and caseloads have been assigned to specific counselors to increase our service in areas of SSI and SSDI clients, clients who are deaf, clients on public assistance and clients out of State Institutions.

(10) Policy consultation with consumers, advisory groups, etc.

A seven member Advisory Council is in the process of being appointed by the Governor which would include a representative of the deaf, vendors of service, a member of the Developmental Disability Advisory Council, persons involved in rehabilitation, and consumers. This Advisory Council would help the agency in statewide planning, program evaluation, and have involvement of consumers in program policy development.

(11) Public Information

The Montana Department of Social and Rehabilitation Services has an Information Officer. This system and activities of our staff in the field is utilized for public information on the Vocational Rehabilitation Program in Montana.

(12) State Affirmative Action Plan

The Personnel Bureau is in the process of developing a new affirmative action plan for this department. This will include an affirmative action on the rights of the physically and mentally handicapped. All rehabilitation facilities have developed affirmative action plans. A copy of this agency's Affirmative Action Plan is attached to this Plan.

(13) Legislative Action

Increased staffing for full implementation of the 1973 and 1974 VR Act was requested and two out of nine counselors requested were allowed by the Montana Legislature. However, it would appear that adequate funds for staffing and case service are not going to be available from Federal or State sources. This Division will hire staff for all positions available and provide service to the Priority Groups as long as funds are available.

(14) Elimination of Architectural Barriers

The new and revised Montana Constitution of 1972 negated all pre-existing building codes. Resultant of that, the Montana Building Code Council was formulated and authorized by law to develop, revise, and implement building codes, including a provision for the elimination of architectural barriers.

There has and will continue to be meetings with the Building Code Council involving SRS to discuss and have input on Architectural Barriers. At the present time the Council appears in favor of adopting the "American Standards Specifications for making buildings and facilities accessible to, and usable by the physically handicapped". There are some minor deviations from the American Standards but most changes are more stringent.

Basically, two problem areas remain unresolved: 1) additional clarification is required on raised plaques for the visually handicapped in public buildings, 2) the Architectural Association is resisting the installation of elevators in office buildings under four stories.

A subcommittee consisting of two advisory council members and a representative from both RSD and VSD was formed to thoroughly review the entire Building Codes to detect any other discrepancies or areas needing clarification. The subcommittee's report and recommendations on all essential changes is due in June, 1975 for review and consideration by the full advisory council.

It does appear the council is supportive of SRS input to compromise on elevators, as follows: "In a public office building, any floor above the second floor and any second floor with over 5,000 square feet shall have, in addition to the required exits, one elevator which services all floors from the uppermost floor to the floor leading to the exterior grade."

(15) Joint services with other agencies for mutual clients

Excellent working agreements have been established with the Social Services Bureau, the Developmental Disabilities Bureau, Workmen's Compensation, and Special Education where all agencies provide the service they are responsible for with mutual clients. Teams have been developed and comprehensive services for mutual clients is being accomplished.

SECTION 22. Changes in order of selection and outcomes and service goals

There will be no changes in order of selection and outcome of service goals for this current fiscal year.

SECTION 22. Outcome and Service Goals expected to be achieved

Priority Service Target Groups:

	Served	Rehabilitated
SSI	870	100
SSDI	640	110
Total Severely Disabled	4,889	630
American Indian	1,100	150
Industrially Injured	675	130

There have been obstacles to achieve goals established. A re-direction of the program and staff training are expected to help achieve the goals selected for the 1977 Fiscal Year.

For the next legislative biennium we will be requesting an additional counselor and counselor aide for the 1978 and 1979 Fiscal Years. It is felt that additional staff will be required to achieve some of the goals we have forecast.

AFFIRMATIVE ACTION PLAN

Staffing pattern, estimated as of June 30, 1976:

	Author-lzed	Filled	Female		Minority		Handicapped		Older	
			No.	%	No.	%	No.	%	No.	%
Professional	47	47	16	34%	3	6%	13	28%	5	11%
Clerical	31	27	27	100%	3	11%	3	11%	2	7%
Aide	12	9	4	44%	6	66%	2	22%	0	
Total	90	83	47	56%	12	14%	18	22%	7	8%

Our professional staff minority percentage has doubled this past current year. We also have a higher percentage of our staff with physical or mental handicaps. The percentage of our staff that are in a minority category and that have a physical or mental handicap has come up in all aspects this past year. We have had no problems carrying out our affirmative action plan, our cooperation from the State Merit System has been excellent, all rehabilitation facilities we deal with have developed affirmative action plans.

During the past year a Counselor I, female Indian, was promoted to Counselor III; another female Indian was promoted from a Counselor Aide to Counselor I, which shows our Career Development is a workable solution. A Spanish American Counselor Aide in our Billings District Office met the qualifications for a Rehabilitation Counselor I through past education, experience and formal training during his employment as a Counselor Aide, and has been promoted to a Counselor I with the agency.

For the 1977 Fiscal Year it is planned to continue our efforts to attract minority and handicapped, qualified staff and, through staff development provide appropriate training for assisting staff for possible upgrading.

SECTION 25. Significant Problem in Implementing a Current Plan Assurance

This State has had no significant problem in implementing the required assurance in Part A of the annual State Plan during the 1976 Fiscal Year.

Attachment 25A
Page 1 of 1 page
Effective Date: 7-1-76

RULES AND POLICIES
FOR
MONTANA REHABILITATIVE SERVICES DIVISION – 1976

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1. POLICY ON NATURE AND SCOPE OF SERVICES

A. Services - the services enumerated below are contingent on two factors:
   1. The preliminary medical diagnostic workup to determine medical eligibility for the program, 2. The thorough diagnostic workup which is the combination of medical, psychological, social, and vocational factors that are essential for plan development.

B. Training and Training Materials

   1. The State Division will furnish training to eligible individuals to the extent necessary to achieve their vocational rehabilitation. Such training will include vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the determination of the vocational rehabilitation potential or to the individual's vocational adjustment; and it covers training provided directly by the State Division or procured from other public or private training facilities.

      A client is eligible for rehabilitation training when he has the mental and physical qualifications and capacity to profit by such training, and it is necessary to his satisfactory rehabilitation.

   2. Training materials and books will be provided to eligible clients when their financial need for such assistance has been established, and to handicapped individuals accepted for evaluation of the rehabilitation potential.

C. Physical Restoration Services

   1. Physical restoration services will be furnished to eligible individuals to the extent needed to determine their vocational rehabilitation potential or achieve their vocational rehabilitation, and will include the following:

      (1) Medical or surgical treatment
      (2) Psychiatric treatment
      (3) Dentistry
      (4) Nursing services
      (5) Hospitalization
      (6) Convalescent or rest home care
      (7) Drugs and supplies
      (8) Prosthetic appliances - orthotic or other devices
      (9) Physical therapy
      (10) Occupational therapy
      (11) Speech or hearing therapy
      (12) Physical rehabilitation in a rehabilitation facility
      (13) Eyeglasses and visual services
      (14) Podiatry
      (15) Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services; or are inherent in the condition under treatment
      (16) Other medical or medically related rehabilitation services

2. Such services will be furnished only if the following criteria are met.

   (1) The clinical status of the individual's condition is stable or slowly progressive; and

   (2) Physical restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time.

   (3) To clarify eligibility and feasibility for Rehabilitative Services on clients requiring physical restoration, the existence of a disability, including catastrophic disability, does not necessarily imply that the individual is feasible for services as there are or may be factors which render it inadvisable for the division to attempt rehabilitation. Rehabilitation should eliminate or reduce disability within a reasonable period of time, generally 6 months; and if the condition will take longer, or if it is chronic, indefinitely prolonged, or has a medical prognosis of poor or guarded, rehabilitation should probably not be attempted.

   Rehabilitative Services is a prior authorization service program which precludes retroactivity. Eligibility for the program should be postponed until the clinical status of the client is defined, that is the life-death decision is determined and a tentative medical treatment plan is suggested. Then is the moment for rehabilitation to become involved to determine potential for employability.

3. In provision of physical restoration services to determine the rehabilitation potential of a handicapped individual under an extended evaluation plan, the provision that the condition is stable or slowly progressive does not apply.

4. Eye glasses and visual services may be prescribed and provided by a physician skilled in diseases of the eye, or by an optometrist, as authorized under State law.

D. Transportation

1. The State Division will furnish transportation to handicapped individuals and, where necessary, members of their family, to secure diagnosis, treatment, training, or other vocational rehabilitation services.

2. Such transportation will include the cost of travel and subsistence during travel for handicapped individuals and their attendants or escorts, where such financial assistance is needed.

3. Such transportation includes relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

E. Maintenance

1. Maintenance aid is a supplementation to other rehabilitation services being provided, and is granted in special instances to enable an indi-

vidual to derive the full benefit of other vocational rehabilitation services he is receiving.

2. Major types of living expenses covered by maintenance grants include: food, shelter, clothing, laundry, and incidentals.

3. Federal financial participation will not be available - except as noted below - in payments for maintenance made in connection with the placement of a handicapped person after he actually receives sufficient remuneration for his employment to support him, or, in the case of a handicapped person placed in self-employment, after 30 days from the time the person is so placed. In certain unusual instances, when deemed necessary to accomplish a rehabilitation, maintenance for as much as 60 days may be provided a client following placement. This applies particularly to clients removed from a state mental hospital and placed on try-out jobs in new localities, thus giving them a better chance to become established economically until such time as they may be able to assume total maintenance costs themselves.

4. Payment of maintenance to disability beneficiaries from trust funds will be subject to the conditions in Section 26.*

F. Placement

1. The State Division will assume responsibility for the placement of all handicapped individuals accepted for vocational rehabilitation services, either direct or through the services of other public and private placement agencies.

2. Following placement of a client, several follow-up visits will be made by a Division representative to determine that the placement has been successfully achieved, and that the client is again able to meet his normal needs without further outside assistance.

3. The standards for determining that a client is suitably placed are:

   a. That the work performed is consistent with the client's physical and mental capacities, interests, and personal characteristics.

   b. That the client possesses or has acquired necessary skills to perform the work successfully.

   c. That the work has reasonable permanency.

***Section 26 Montana State Plan Rehabilitative Services Division.**

d. That working conditions will neither aggravate the client's disability nor jeopardize the health or safety of others.

e. That the employment provides adequate income for client and his family.

f. That, if not employed full-time, the job is consistent with client's capacity to work and produce.

g. That the wage and working conditions conform with the state and federal statutory requirements.

4. In each case there will be a 60 day follow along period after placement, prior to case closure, to assure that the vocational rehabilitation objective of the client has been successfully achieved.

Tools, Equipment, Initial Stocks and Supplies, Occupational Licenses

5. Tools, equipment, initial stocks and supplies, including livestock, may be provided as needed in the individual case for the operation of a business or agricultural enterprise or the pursuit of a trade, occupation, or profession by eligible clients. Tools, equipment, initial stocks and supplies will be provided in such quantity and will be of such quality so as to give reasonable assurance of successful operation of the enterprise, performance in the occupation, or practice of the profession.

6. Guides and standards governing quality and quantity are developed, as necessary, with appropriate professional, trade, business, training, and other organizations and institutions. Occupational licenses will be supplied, as required, in the individual case.

G. Reader and Interpreter Service

1. The Division will provide reader services for the blind and interpreter services for the deaf. For these services the Division will pay a reasonable fee which will not exceed what other state, private or federal agencies pay for similar services.

H. Services to Family Members

1. Family member means any relative by blood or marriage of a handicapped individual and also means other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

2. The State Division will furnish necessary service to any family member of the handicapped individual where the service is required as part of the over-all rehabilitation plan of the handicapped individual and can be provided through no other resource.

3. Such services will include only those services which may be expected to contribute substantially to the determination of rehabilitation potential or to the rehabilitation of the handicapped individual.

Recruitment and Training Services for New Employment Opportunities

4. The State Division will furnish (directly or by contract) recruitment and training services to provide eligible individuals, or groups thereof, new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate service employment.

Facilities and Services for Groups of Handicapped Individuals

a. The State Division will provide facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the rehabilitation plan of any one handicapped individual.

b. Such facilities and services may include, but are not limited to, the removal of architectural barriers from buildings to be used for the training or employment of handicapped individuals, the provision of instructional materials or services for a group of handicapped individuals, or the provision of a special bus or other vehicle for the transportation of handicapped individuals.

I. Other Goods and Services

1. When such services are found necessary, the Division may furnish an attendant for a badly disabled client to escort him to and from school, shop or other institutions where services are provided. The Division may pay for business licenses when such are required and the client is unable to pay the cost himself. The same policy will apply to other necessary goods or supplies not otherwise covered in this Plan deemed necessary to determine the rehabilitation potential of the handicapped individual or to render him fit to engage in a gainful occupation.

2. The State Division will furnish short periods of medical care for acute conditions arising in the course of vocational rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the vocational rehabilitation objective, or the completion of the extended evaluation to determine rehabilitation potential.

J. Post Employment Services

1. The State agency will provide post employment services after placement and case closure to assist former clients in need of such services to maintain themselves in employment.

2. Post Employment services may be necessary where some assistance is needed following case closure in order to prevent the breakdown of otherwise good rehabilitation results. Such services are supportive and supplemental to the original vocational rehabilitation plan for that individual and are of such a nature and scope as to be an extension of the individual's plan.

3. All services available to a handicapped individual by this Division will be available through post employment service where it is required to maintain the client in gainful employment or enable him to become employable.

Counseling and Guidance

Policies for Counseling and Guidance of Handicapped Individuals

4. Systematic and adequate counseling and guidance for the benefit of each client will be provided from referral to completion of all services included in the individual's plan.

   a. During plan development, sufficient personal counseling is accomplished with the client to develop a suitable rehabilitation plan.

   b. Clients in service are contacted at least quarterly to establish if additional counseling is required.

   c. Counseling is continued through completion of service and job placement.

   d. Sufficient counseling is provided by post employment service to insure client is on a suitable job and will be able to continue in gainful employment.

K. Work Activity Center Services

Services can be purchased from work activity centers only for RSD clients defined severely disabled and whose needs, at this point in their rehabilitation plans, can be satisfied only with the purchase of rehabilitation services (as defined in this Section 1) from a work activity center.

2. POLICY ON ESTABLISHMENT OF REHABILITATION FACILITIES 401.49

At this time the State Division does not own nor operate its own rehabilitation facility, nor does it plan to. It does, however, contract with other facilities for services and it does make some of its funds available to public or other nonprofit agencies for the establishment of rehabilitation facilities.

A. Legal Authority

1. Legal authority to establish public and other nonprofit facilities in accordance with Public Law 93-112, Rehabilitation Act of 1973, and the Amendments of 1974, is encompassed in Section 71-2101 through 71-2108 of the Revised Codes of the State of Montana, 1947 as amended.

B. Policies on Establishment of Rehabilitation Facilities

1. As used in this section of the plan, a rehabilitation facility means a facility, operated for the primary purpose of providing vocational rehabilitation services to or gainful employment for handicapped individuals, and which provides one or more of the following types of services: (1) comprehensive rehabilitation services, including under one management, medical, psychological, social, and vocational services; (2) testing, fitting, or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing therapy; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training (in combination with other rehabilitation services); (10) evaluation or control of special disabilities; (11) orientation and mobility services and other adjustment services to the blind; and (12) transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market: Provided, that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

2. As used in this section, a workshop means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

3. The major purpose of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals.

4. The establishment of rehabilitation facilities means:

   a. the acquisition of initial equipment for such purposes; or

   b. the initial staffing of a rehabilitation facility, for a period not exceeding four years and three months.

   c. the Division will not provide establishment grants for Work Activity Centers.

5. Where initial staffing assistance is provided, it will be available only for personnel engaged in new or expanded program activities of the rehabilitation facility.

6. Prior to the establishment of a rehabilitation facility, the State agency will determine that the need for such rehabilitation facility exists and that such establishment is consistent with the State rehabilitation facilities plan.

7. There will be coordination between the State agency or agencies administering programs pursuant to any other act concerned with the development, establishment, or construction of rehabilitation facilities, in order to prevent duplication of rehabilitation facilities and impairment of the objectives of the State vocational rehabilitation program. This coordination will be achieved through personal contacts and written agreements between representatives of the Division and the State Department of Health, Hill-Burton authority, and other public Manpower Agencies.

8. The State agency will submit reports concerning the establishment of rehabilitation facilities in such form and containing such information as the administrator may require.

Note: The provision on nondiscrimination in employment, 9.11, are applicable. Note also that the requirements of an assurance to comply with Title VI of the Civil Rights Act and attachment 9.11(a)A of the State Plan.

C. Criteria and Standards for Rehabilitation Facilities

1. In order to qualify for approval and financial assistance from the Division in establishing a rehabilitation facility, it will be necessary to submit the complete plans, specifications and costs of all construction, equipment, and related expenses to the Division for final approval; and further the Division will retain supervisory control of the rehabilitation facility during such time as it is giving financial assistance.

2. Insofar as rehabilitation facilities are concerned, the following criteria and standards will apply: (Refer to policy on Facilities - Policy #5) This Division accepts the standards of Commission on Accreditation of Rehabilitation Facilties (CARF) as its standards.

D. Private Contributions for Establishment of Particular Rehabilitation Facilities

1. State funds for establishment of rehabilitation facilities may include contributions made by any private organization or individual to meet in whole or in part the State's share of costs of establishment of a public or other nonprofit rehabilitation facility which are deposited in the account of the State or local rehabilitation agency in accordance with State law and which are earmarked, under a condition imposed by the contributor, for establishing a particular rehabilitation facility. Such a contribution, however, may be used to earn Federal funds only with respect to expenditures for establishing the particular public or other nonprofit rehabilitation facility for which the contribution was earmarked.

E. Extent of Federal Financial Participation

1. If the State agency seeks Federal financial participation in expenditures for establishment of rehabilitation facilities, it will be for establishment of public and private nonprofit facilities only.

2. The State agency will not seek or use Federal financial participation in any expenditures for:

   a. Acquisition of land in connection with the establishment of a rehabilitation facility;

   b. Acquisition of existing buildings;

   c. Remodeling and alteration of existing buildings;

   d. Expansion of existing buildings;

   e. Architect's fees;

   f. Site survey and soil investigation;

   g. Initial fixed or movable equipment of existing buildings;

   h. Works of art;

   i. Construction.

3. When the State agency seeks Federal financial participation in expenditures for establishment of a rehabilitation facility, it will be at the rate allowable under Federal guidelines.

F. Control of Expenditures

1. Control of all expenditures for a facility which is an organizational unit of the State Division will be vested in the Division. All expenditures will be made and accounted for in accordance with the appropriate State laws and regulations.

2. In instances where assistance is given to public or nonprofit agencies for the establishment of a facility, the State Division will exercise controls to see that funds are expended for the purposes intended. The facility will be supervised, including records, accounts and expenditures, through the use of reports, on-site visitations and other inspections by Division staff members.

3. Where financial assistance is given, a public or private nonprofit agency for the establishment of a facility, funds will be expended by that agency in accordance with procedures and standards equivalent to those applicable to the State Division in making direct expenditures for similar purposes.

3. FACILITIES AND SERVICES FOR GROUPS OF HANDICAPPED INDIVIDUALS

A. The State agency provides for facilities, and services which may be expected to contribute substantially to the rehabilitation of a group of disabled individuals some of whom are currently or potentially vocational rehabilitation clients. These services and facilities should not be directly related to the individualized rehabilitation program of any one handicapped individual. All disability groups are eligible. This includes but is not restricted to the purchasing either in block funded form or grant form, services, the removal of architectural barriers and/or equipment. Preference will be given to services or facilities with potential of benefitting the largest number of handicapped at a minimum cost to the agency due to our financial limitations.

These funds will be utilized:

1. To resolve a one time problem such as exists in the removal of architectural barriers or the purchase of equipment.

2. To fund a small grant up to a maximum of three (3) years.

4. POLICY ON DETERMINATION OF FINANCIAL NEED

In each case involving services conditioned on financial need, the State Division will ascertain the financial circumstances of the client. Data showing his financial requirements and his resources will be secured. This information will be obtained from the client and, if necessary, from his parents or guardian if the client is a minor. If additional information is necessary, it will be obtained from reliable sources.

A. Need Standard - The Division maintains this standard for determining reasonable living requirements for all disabled clients, and adaptations of this standard will be applied in cases involving specific circumstances. These circumstances include special needs accompanying designated types of disabilities; variations based on the nature of living requirements in different localities; variations based on the nature of living requirements caused by the particular rehabilitation services to be provided; other objectively defined circumstances. In addition, this standard will be adapted to meet the need for short periods of medical care for acute conditions arising during the course of vocational rehabilitation. This Division uses the standards adopted by the Economic Assistance Division as a base for needs standards, except where higher costs involved with the Rehabilitation Plan make such standards unreasonable. Section 92-1403, R.C.M. 1947, as amended, establishes a maximum amount to be paid for living expenses of the industrially injured.

   1. This standard will be applied on each case to determine the existence and extent of the individual's financial requirements.

   2. The client will be considered in financial need if he has insufficient resources to procure reasonable living requirements as defined by this standard and to meet the cost of other necessary vocational rehabilitation services conditioned on financial needs.

B. Client Resources - The State Division, in determining the economic circumstances of the individual, will identify all consequential resources actually available to the individual, however derived, including all resources of the client, his spouse, and, if client is a minor, the resources of his parents.

   1. Current income, including any benefit to which the individual may be entitled by way of pension, compensation, or insurance, as well as any service in kind or remuneration in the case of on-the-job training actually available to the client.

   2. Capital assets, including both real and personal property.

   3. Evaluating a clients resources - in evaluating resources of the client, only those resources which are actually available to him for use during the period of rehabilitation services will be taken into account.

The State Division has established policies that certain defined resources of the client may be retained by him and need not be used in his vocational rehabilitation program. Resources which the client will not be expected to apply on his rehabilitation program are:

C. Capital Assets

1. The client's or his parent's home. It is not expected that the client or the parent will have to mortgage or sell his home.

2. A small business or farm owned by the parents in the case of a minor client. It is not expected that the parents of a minor client will have to sell or mortgage their means of earning their own living.

3. Resources of any type needed to meet the client's obligations for:

   a. Support of dependents (including only persons in the home for whom he has assumed responsibility, and other persons for whose support he is legally responsible) in accordance with the standard established by the Division to measure the amount in which this obligation will be recognized. This standard is determined on the basis of the usual requirements which would provide the elements of living essential to the adequate maintenance of the health of the client's dependents and of their participation in ordinary activities.

   b. Obligations which the client is required by legal process to pay, or which if not recognized, would constitute a substantial obstacle to achievement of his vocational objective.

D. Amount of Supplementation - The total consequential resources actually available to the client minus capital assets disregarded and minus the amounts needed to meet obligations in accordance with applicable policies, constitute his resources available for the rehabilitation services planned. In each case the amount of supplementation will be the amount by which the individual's financial requirements (as determined by the established standards for measuring normal living requirements) plus the cost of services to be purchased, exceed his resources available for the rehabilitation services planned.

5. POLICY ON STANDARDS FOR FACILITIES AND PROVIDERS OF SERVICES

General Purposes of Standards 401.43

The State Divison has established and will maintain standards for the selection of facilities and personnel utilized in providing services to handicapped individuals that will assure a high quality of service.

A. Types of Facilities

1. It is the policy of the State Division to use, whenever feasible, facilities which are accredited or approved by an appropriate public authority or professional organization. Where this is not possible, the facilities selected, whether public or private, are those that appear upon investigation to be the best adapted to render the specific services required. Main factors in the selection of facilities in all cases are the professional and technical qualifications of personnel, adequacy of equipment, and scope and quality of services rendered.

B. Standards for Hospitals

1. The State Division will give preference to hospitals approved by the Joint Commission on Accreditation of Hospitals, and which have more than 100 beds, with well developed surgical and specialty services, medical social services, and therapy departments. Preference is also given to hospitals affording residence training in the specialty in which treatment is sought. In the event that it is neither feasible nor economical in individual cases to use such hospitals, other hospitals will be used when equipped to give quality service as needed, and when approved by the Medical Consultant.

C. Standards for Clinics

1. Wherever feasible the State Division will utilize well organized clinics offering services of high quality, and operating under or approved by an official State Agency.

D. Schools and Other Training Institutions

1. The State Divison will utilize only those schools, colleges, and other training institutions which are fully accredited by the office of the Superintendent of Public Instruction or other official accrediting agency within the State wherein the facility is located.

E. Rehabilitation Facilities

1. Definitions - "Rehabilitation Facility" is defined in section 401.1
a. (u) of the Federal Register as a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides, singly or in combination, one or more of the following services for handicapped individuals:

1. Vocational rehabilitation services which shall include under one management, medical psychological, social and vocational services;

2. Testing, fitting, or training in the use of prosthetic and orthotic devices;

3. Prevocational conditioning or recreational therapy;

4. Physical and occupational therapy;

5. Speech and hearing therapy;

6. Psychological and social services;

7. Evaluation of rehabilitation potential;

8. Personal and work adjustment;

9. Vocational training with a view toward career advancement (in combination with other rehabilitation services);

10. Evaluation or control of specific disabilities;

11. Orientation and mobility services and other adjustment services to the blind; and

12. Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market ; Provided, that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

b. Vocational (Work) Evaluation

Vocational (Work) Evaluation: a comprehensive process that systematically utilizes work, real or simulated, as the focal point for assessment and vocational exploration, the purpose of which is to assist individuals in vocational development. Vocational (Work) Evaluation incorporates medical, psychological, social, vocational, educational, cultural, and economic data in the attainment of the goals of the evaluation process.

c. Work Adjustment

Work adjustment is a treatment/training process utilizing individual and group work, or work related activities, to assist individuals in understanding the meaning, value and demands of work; to modify or develop attitudes, personal characteristics, and work behavior; and to develop functional capacities, as required, in order to assist individuals towards their optimum level of vocational development.

Each facility providing work adjustment service for RSD clients will be required to submit a description of their work adjustment program to the state RSD office for approval prior to its acceptance of work adjustment fees. In addition work adjustment will be authorized for a period of only three months at one time. At the end of the three months a report on the necessity of continuing work adjustment will be required from appropriate facility staff.

Work adjustment may NEVER precede vocational evaluation, and a vocational evaluation is always a pre-requisite to work adjustment. Only if these two rules are followed by the facility, can work adjustment be authorized for RSD clients.

d. Sheltered Workshop

Sheltered Workshop is an institution conducted not for profit, but for the purpose of carrying out a recongnized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment for an indefinite period of time to individuals who cannot meet the standards of the competitive labor market. Some individuals, however, may develop sufficient productive skill and adjustments which would enable them to move out of the facility into the competitive labor market. Rehabilitation services play a supportive role to successful employment in the facility.

e. Day Activity Center - a facility provides the initial phase of treatment for individuals both within the community and those discharged from the institution who are medically determined to be severely handicapped (mentally or physically). It's emphasis is in the provision of all, one, or some of the following services.

1. Personal health and hygiene - encourage and train for proper care of body, use and selection of clothes, dietary considerations, basic safety knowledge.

2. Social skills and attitudes - encourage and train for socially acceptable manners relating to table manners, social, group and heterosexual contacts, value and use of money, methods and customs regarding the use of the telephone and use of public transportation, encourage and train for conduct relating to self, property and person of others, role of social institutions, individuals and group customs.

3. Leisure time and recreational activities - encourage and train in the use of public recreational activities, churches, privately sponsored community programs, other social agencies, and home and individual leisure activities.

4. Arts and Crafts - encourage the crafting of items by individual clients for their own pleasure and satisfaction and not for sale.

f. Work Activities Center - Such a facility "shall mean a workshop, or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose. *No Sheltered Workshop or separate department thereof shall qualify as a work activities center if the average productivity per handicapped worker is $850 or more per year as measured by dividing the total annual earned income of the work program less the cost of purchased materials used, by the average number of clients in the work program or, if wage payments are primarily at piece rates, the average annual labor rate per client is $600 or more as measured by dividing the total annual wages of the clients by the average number of clients in the work program. (The average number of clients shall be determined by taking the average of the total number of clients in the work program on the last day of each quarter in the previous fiscal year, provided such average is representative of the average number of clients employed during the entire year.) No individual worker whose productivity substantially exceeds this average shall be employed at less than the statutory minimum wage under a work activities center certificate. (A handicapped worker, whose productivity substantially exceeds the average, may be certificated under Regulations, Part 524 of this chapter, in rare and unusual cases where necessary to avoid extreme hardship, if he is unable to earn the statutory minimum because of his handicap, and if his production and earnings are included in the averages provided in this paragraph.) Where information is not available for a year, a temporary certificate if it is represented that the center expects and has good reason to believe that the conditions hereinabove specified will be satisfied when one year's data are available. Information to be considered will include the severity of disability of the handicapped workers employed, or other pertinent factors" CRF Title 29 Part 525

*These figures are subject to change in the minimum wage law implemented by the United States Department of Labor.

g. Speech Pathology - Primary emphasis of the facility is speech pathology, supported by appropriate audiological, medical, social and/or vocational adjustment services.

h. Audiology - Primary emphasis of the facility is audiology, supported by appropriate speech pathology, medical, social and/or vocational adjustment services.

2. The Division will accept as its standards the standards of the Commission of Accreditation of Rehabilitation Facilities (CARF). These standards will be applied to any rehabilitation facility where the Division provides funding or purchases services or where the Division has formal cooperative agreements. Facilities accredited by CARF will be adjudged to be certified.

3. If certification is denied, the facility will be notified of the reason/reasons for such decision thirty days (30) in advance of the date on which no more services will be purchased by RSD nor grants awarded by same. The Fair Hearing Process, as contained in Section 24 of the RSD Montana State Plan, will be an available recourse to facilities.

4. Facilities are encouraged to apply for CARF accreditation. The fee for only the first CARF accreditation survey per facility may be reimbursed by the RSD, with the balance of operating costs to be paid by the facility. Any subsequent accreditation survey fees will have to be paid for by the facility itself.

5. Applications of Standards

a. Any rehabilitation facility, as defined in (1), selling a service to the RSD must have been certified by this Division as minimally meeting CARF standards. No facility will be utilized beyond 12 month provisional certification without CARF accreditation being demonstrated at the end of those 12 months. *

b. Grants will be considered only for those facilities possessing either provisional certification or CARF accreditation. Facilities seeking construction grants must also meet minimum standards described in Part 402 of the Federal Register, Volume 39, No. 235.

*A delay in the CARF decision making process will be tolerated if it continues beyond the twelve month period.

6. Duration of Certification

   a. RSD will provide full certification upon receipt from the facility of records and reports attesting to its CARF accreditation. The tenure of the certification by RSD shall be one year. RSD may in individual cases and at its sole discretion, provide a provisional certification of the facility for up to six (6) months in tenure based upon records and reports; requests for an additional 6 months will be granted upon adequate information the facility is attempting to meet CARF accreditation.

   b. It shall be an expressed condition of RSD certification that RSD, upon being apprised of any source of material change in the facility's functioning in terms of the standards or in terms of the failure of the facility to provide such records and reports as requested by RSD, may review the facility's certificate and may modify its certification decision. At the discretion of RSD, such review may include an onsite visit. Certification by the state is not a guarantee of grants nor of purchases of services by RSD.

   c. New Facilities - RSD may, in individual cases, and its own discretion, provisionally certify a new facility during the first year of its operation. At the termination of the tenure of provisional certification the facility must meet the requirements for full certification. Findings of the RSD facility staff will be summarized in a written report to the facility. If non-certification is the result of the site survey, another survey can be requested on a date six months subsequent to the date of the prior survey, and services will not be purchased by RSD, nor grants of money even considered until such provisional certification is attained.

7. Provisional Certification -- Minimum Requirements

   a. In order to receive provisional certification, RSD must be provided with records, reports, and documents attesting to the facility's level of compliance with CARF standards for extension beyond 6 months. Evidence must be shown of the ability to meet CARF compliance within a 12 month period.

8. Exclusion and Exceptions

   In general, the policy of the Division will be to include rather than exclude services and facilities from these rules and regulations. Exclusion will be approved by the Division administrator. Examples of exclusion are:

1. Group Homes

2. Hospitals, (not purporting to be a rehabilitation facility) schools and other training institutions, on-the-job training when such training is carried out in regular commercial or industrial enterprises and not supervised by an organizational entity meeting the definition of "Rehabilitation Facility".

3. Halfway Houses

The above are presently being licensed by other appropriate state agencies, and this Division will accept their certification.

9. Out-of-State-Facilities - Only those out-of-state rehabilitation facilities accredited by CARF will be occasionally utilized by RSD.

F. Tutorial Training - The standards for selection of tutors will be based upon adequate training and experience in the field in which the instruction is to be given. Such standards will be, as far as possible, in conformity with standards of certification set by the State Board of Education for instructors in the regular fields of education or vocational education.

G. On-The-Job Training - The standards for selection of facilities for on-the-job training are based primarily upon the ability of the facility to provide instructional service by an individual who has trade competency and experience in training workers in the operations to be performed. Other factors are adequate equipment and instructional material, provision for a plan of graduated progress in the job to be learned, and an effeciently organized instructional schedule.

H. Maintenance of Standards - The State Division periodically will evaluate the quality of services provided to Division clients by the various types of facilities. This will be accomplished through personal visitations by representatives of the Division, by written reports, by consultation with official accrediting agencies, and through other effective means.

I. Guides for Agency Personnel - The State Division will keep its staff currently informed of the standards of selection of facilities of each type utilized in providing rehabilitation services to Division clients through staff conferences and written instructions.

J. Standards for Specific Types of Personnel

a. Medical diagnosis and medical treatment are provided handicapped individuals only by physicians licensed to practice medicine and surgery and otherwise qualified by training and experience to perform the specific services required. Persons providing physical restoration services will meet standards which insure services of high quality. It will be the policy of the State Division to allow the client free choice of physician for diagnostic and treatment services, wherever possible and desirable.

b. The Standards of personnel providing physical or occupational therapy are registry, or graduation from a school for the training of therapists generally accepted by the profession, and licensed by the State.

c. The standards of qualification of personnel providing nursing services are registration, or eligibility for registration, as a graduate nurse; or registration, or eligibility for registration, as a practical nurse.

d. Dental diagnosis and dental treatment are provided only by dentists who are licensed to practice dental surgery, and otherwise qualified by training and experience to perform the specific dental service required.

e. The standards of personnel providing optometry service will be those licensed to practice optometry.

f. The standards of personnel providing services as an osteopathic physician will be those licensed to practice medicine.

g. Standards for the selection of prosthetists have been established. These standards are based on the professional standards established by the American Board for Certification of the Prosthetic and Orthopedic Appliance Industry, Inc. In the event there are not prosthetists available who meet such standards, the State Division will utilize the services of those prosthetists who are acceptable to other public and private agencies.

h. Standards for the selection of speech and hearing therapists have been established. These standards are based on the professional standards as established by the American Speech and Hearing Association for the certificate of clinical competence and/or Montana State License.

i. The State Division will determine which of the services required are specialty services; and that services determined to be specialty services will be rendered only by physicians found by the State Division to be specialists qualified to perform the particular specialty service required. In providing specialty medical service, the Division will use medical specialists who hold certificates of the American Medical Specialty Board, where such boards have been established, or physicians who have established eligibility to examination by such boards; or, when no physicians are available in one of these fields who meet either of the above standards, other qualified physicians, approved by the Medical Consultant are used.

j. Standards for selection of psychologists have been established. These standards are based on professional standards. The Division will use only psychologists who are licensed to practice psychology in Montana or employed as a psychologist for an institution, academic institution, governmental agency or research laboratory providing these persons are performing the duties for which they were employed by these organizations.

k. The State Division has established and will maintain standards for selection of training personnel who are qualified to conduct and carry out satisfactory training activities as relates to the specific training desired.

K. Maintenance of Standards

The State Division periodically will evaluate the professional and other personnel providing services to handicapped individuals to insure that such personnel meet the prescribed standards.

L. Guides for Agency Personnel

The State Division will keep its staff currently informed of the standards required for selecting personnel to render vocational rehabilitation services to handicapped individuals through staff conferences, and through written instructions.

6. POLICY ON RATES OF PAYMENT

A. Establishment of Rates of Payment

1. The State Division has established rates of payment for diagnostic services, training, physical restoration, and other services purchased for handicapped individuals. These rates of payment are intended to procure a high quality of services and to achieve efficient administration.

2. For unusual services not included in the Division's fee schedule, the proper amount of payment will be determined by securing the advice of the Medical Consultant of items pertaining to physical restoration, and that of available compentent personnel when dealing with other specialized services.

3. The State Division will maintain in convenient and accessible form these fee schedules and all necessary information to justify the rates of payment to the various facilities.

4. Individual or other vendors providing any services authorized by the State Division shall agree not to make any charge to or accept any payment from the handicapped individual or his family for such services unless the amount of such service charge or payment is previously known to and where applicable, approved by the State Division.

B. Rates of Payment of Specific Types of Services

Medical-Surgical Treatment and Diagnostic Services: Fee schedules have been established for all such services and will be comparable to those paid by other State agencies for similar services. The fee schedules have been established by the State Division. They will be subject to changes from time to time and copies of the fee schedule may be obtained at any Rehabilitative Services Division Office.

C. Hospitalization

1. Insofar as possible the State Division will utilize the reimbursable cost method in purchasing hospital services for its clients. Payments will be made at an inclusive per diem rate where such rate is available.

2. The State Division will secure annually, or as needed, from each hospital from which it purchases services, a statement of its actual operating expenses related to the care of patients, and its calculation of the average cost of inclusive services.

3. The State Division will enter into a written agreement with each hospital to be used in providing hospital services to vocational rehabilitation clients. This agreement will cover such items as rates of payment and their effective dates; enumeration of the materials, supplies, and hospital services that are covered by the inclusive rates; a listing of the services which the State

Division will pay for separately, since they were not provided by the hospital during the most recent accounting period; and the respective responsibilities of the hospital and the State Division with respect to hospitalized vocational rehabilitation clients.

4. Materials or services needed by hospitalized clients but which are not included in the inclusive average cost will be paid for at rates not to exceed those in the State Division's schedule.

5. The State Division will pay for hospital care for its clients on the basis of the hospital's regular charges for room, board, and nursing care, plus additional charges for special services rendered to the individual client, under the following conditions:

   a. When hospital care is not procurable under the reimbursable cost method.

   b. When hospitals have been in operation for less than twelve (12) months and therefore do not have valid cost figures.

   c. When the hospital rates are established by law.

6. In purchasing hospital care from hospitals located in other states, the State Division will follow the rates and methods of payment established by the State Vocational Rehabilitation Agency in which the hospital is located.

   a. Prosthetic appliances: Fee schedules have been established for all such services; and will be comparable to those paid by other public agencies.

   b. Training: Agreements have been reached with the various training agencies used by the Division, and these indicate the specific fees to be paid by the Division for training services rendered to its clients.

   c. Rehabilitation Center Care: Costs of care of Division clients in Rehabilitation Centers will be paid at rates comparable to those paid for similar services by other public agencies.

   d. Vocational Rehabilitation Services in Workshops: Cost for evaluation and training services provided to the Division's clients will be paid at rates comparable to those paid for similar services by other public agencies.

7. RULES ON CONFIDENTIAL INFORMATION

The Division will adopt and implement such regulations as are necessary to assure that:

A. All information as to personal facts given or made available to the division, its representatives, or its employees, in the course of the administration of the vocational rehabilitation program, including lists of names and addresses and records of agency evaluation, shall be held to be confidential;

B. The use of such information and records shall be limited to purposes directly connected with the administration of the vocational rehabilitation program;

C. Information shall not be disclosed directly or indirectly, other than in the administration of the vocational rehabilitation program, unless the informed consent of the client has been obtained in writing.

D. Release of information to any individual, agency, or organization shall be conditioned upon satisfactory assurance by such individual, agency, or organization that the information will be used only for the purpose for which it is provided and that it will not be released to any other individual, agency, or organization.

E. Upon written request, information shall be released to the client or, as appropriate, his parent, guardian, or other representatives for purposes in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: Provided,

   1. That only such information as is relevent to the needs of the client shall be released, and

   2. In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the Division after a signed release is obtained from the physician or psychologist who submitted the report.

F. Information will be released to an organization or individual engaged in research only for purposes directly connected with the administration of the State Vocational Rehabilitation Program and only if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the State Agency without written consent of such person and the State Agency.

   1. All information is the property of the State Division.

   2. The State Division will adopt and maintain such procedures and standards as are necessary to:

   3. Give effect to these regulations; and

b. assure that all vocational rehabilitation applicants, clients, providers of services and interested persons will be informed as to the confidentiality of vocational rehabilitation information and the conditions for the release of such information.

G. The role of the counselor is to protect confidential information not to withhold it except upon due consideration of the purpose by which information might be positively used to further the administration of the program or to benefit the client. Requests for information with regard to clients should be carefully considered before a decision is made as to whether information shall be forthcoming or must be withheld in order to give protection to the program or to an individual.

H. Specific information concerning individuals shall be exchanged with other agencies which are purposely serving any of the needs of the individuals. The exchange of information shall be based on the requirements that each agency concerned recognizes the confidential nature of the information and has established administrative practices which are designed to protect this information. In some instances, it is necessary to have the individual concerned give specific approval to release of information concerning his circumstances. However, where another agency is serving his needs and has acceptable administrative practices, the fact that the individual's needs are being served constitutes an implied consent to the release of relevant information. Whenever information concerning an individual is released, it must be on the basis that it will be used only for the purposes for which it is made available, such purposes being reasonably related to the vocational rehabilitation program.

I. Requests for information relating to clients which cannot readily be related to the administration of vocational rehabilitation shall be referred to the State Office to determine whether the information shall be released. Counselors should not release information without due consideration nor should they refuse to release information without a careful consideration of the eventual use to be made of such information. The authority to disclose information is in the executive control of the State Administrator.

J. Clients may not have access to all information secured with regard to their circumstances since some of the information may be privileged in itself. For example, medical information made available from physicians to the Division must be considered privileged information, the release to the client coming only from the physician. However, again, the role of the counselor is a protective one and information should be made available to the client from his own case record if it will serve a useful purpose for the individual or in the administration of the program.

K. When a counselor is served with a legal process such as a subpoena to appear in a court to testify relative to a client, he shall carefully consider whether his testimony will serve a beneficial purpose in the administration of the program or will be of positive use in the best interests of the client. The counselor shall explain to the person attempting to serve the legal process his role in protecting confidential information. If doubt exists as to the purposes which will be served through court appearance, the counselor shall immediately refer the matter to the State Office for decision. In instances where legal process is accepted and court appearance made, individual case records may not be brought into court for quotation or for exhibit unless the records themselves have been subpoenaed.

8. POLICY ON ADMINISTRATIVE REVIEW OF AGENCY ACTION AND FAIR HEARING

401.46

A. Hearings on Applicant's Appeals

1. Administrative Review - An applicant for, or recipient of vocational rehabilitation services under the State Plan who is dissatisfied with any State Agency action with regard to the furnishing or denial of services, will be advised of his right to and may file a request for an administrative review and redetermination of that action and such review shall be made by the Chief of Rehabilitative Services or the Assistant Administrator.

2. Opportunity for a Fair Hearing

   a. When the individual is dissatisfied with the findings of an administrative review, he shall be granted an opportunity for a fair hearing before the State Hearing Officer whose decision may further be appealed to the Board of Social and Rehabilitation Services.

   b. Rules adopted by the State Department to ensure a fair hearing:

3. Definitions - As used in these rules:

   a. "Board" means the Board of Social and Rehabilitation Appeals.

   b. "Department" means the Department of Social and Rehabilitation Services.

   c. "Director" means the Director of Social and Rehabilitation Services.

   d. "Claimant" means an applicant for or recipient of financial or medical assistance.

   e. "Hearing Officer" means those persons hired by the Department to conduct fair hearings at the request of claimants and to make findings of fact, conclusions of law and render decisions thereon under the rules and policies of the Department.

   f. A "Fair Hearing" is a proceeding held pursuant to process outlined in these rules wherein testimony is taken before a Hearing Officer wherein questions of fact and/or law are placed in issue concerning actions of Departmental personnel, Departmental policy and regulations or State Law. The fair hearing shall include, if desired by the Claimant, the appeal of any decision to the Board.

4. Right to a Fair Hearing

   Any claimant is entitled to a fair hearing under any of, but not limited to, the following circumstances:

   a. If he is not provided with an opportunity to make application or reapplication for assistance;

   b. If his application is not acted upon promptly;

   c. If his application is rejected;

   d. If the grant is inadequate or inequitable in relation to the Department's standards of assistance;

   e. If the grant has been changed or discontinued;

   f. If the manner or form of payments, including restricted or protective payments, is not agreeable;

   g. If the condition of payments, including work requirements, is not agreeable.

5. Representation

   A claimant may be represented by legal counsel, or by a relative, friend, or other spokesman, or he may represent himself; a departmental employee may not represent a claimant.

6. Request for Fair Hearing

   A request for a fair hearing is considered as any clear expression, either written or oral, by the claimant or his representative to the effect that he wants the opportunity to present his case to higher authority. In all proceedings under these rules, service upon the Department of Social and Rehabilitation Services shall be deemed complete upon the delivery of any clear expression either written or oral, by the claimant or his representative to the effect that he wants the opportunity to present his case to higher authority. Any such expression shall be forwarded by the Local Agency to the State Department of Social and Rehabilitation Services. The right to a fair hearing must be exercised within 60 days of notice of agency action; however, this time period must be extended for good cause shown or in the discretion of the agency.

7. Informing and Assisting Claimant

   Whenever a County Department or State Department proposes to terminate, reduce, modify or suspend assistance, it must mail notice of the pending action to the recipient at least 10 days prior to the time of the anticipated action. The

agency may dispense with the 10 day notice but shall send prior notice not later than one day before the date of action in certain instances enumerated in sub MAC 46-2.10(1)-51080. In addition, every claimant shall be informed at the time of application (intake interview) and in the notice of termination, reduction, modification or suspension of benefits:

a. Of his right to a fair hearing;

b. Of the method by which he may obtain a hearing;

c. Of the right to have a prehearing staff conference provided for in Rule 8 herein;

d. Of the reasons for the pending actions and its effects upon the claimant's benefits;

e. Of his right to representation as provided by Rule 5 and the claimant shall be informed that the District Office will assist the claimant in obtaining independent legal counsel or other representation should he so desire;

f. Of the circumstances under which the claimant may have his benefits continued pending the Fair Hearing decision;

g. Of the particular sections of the statute and regulations under which the agency is acting.

The right of a claimant to request a fair hearing shall not be limited or interfered with in any way; emphasis shall be on helping the claimant in submitting and preserving his request. Claimants who need assistance in making their fair hearing requests or appeals shall have such help as is necessary extended by the staff of the District Office. Requests for Fair hearing and notice of appeal shall be accepted by the District Office for transmission to the State Hearing Officer.

The Department shall be responsible for the publication and wide distribution of hearing procedures in the form of rules and regulations or a clearly stated pamphlet to appellants, recipients, and other interested groups and individuals.

8. Prehearing Conference

a. If, within the advance notice period prior to the Department or the District Office taking the questioned action, the claimant indicates his wish for a conference, the claimant shall be afforded an opportunity to discuss his situation with the Department's field staff and a member of the District Office and obtain an explanation of the reasons for the proposed action and to present information

to show that the proposed action is incorrect and why it should not be taken. The Department's Field Staff Representation shall:

1. Interpret to the local office state policies and regulations that may not be entirely understood; and

2. Explain to the claimant the laws and regulations under which the Department operates.

b. The claimant requesting a conference may be represented at the conference as provided by Rule 5, and must be notified of this right as in Rule 7.

c. The opportunity for a conference shall not be used to diminish, delay, or void the claimant's right to a fair hearing if the conference does not, to the claimant's satisfaction, resolve the reason for his request for a fair hearing or appeal of the proposed action affecting his case.

9. Group Hearing

a. The Board may respond to a series of individual requests for fair hearings by conducting (through the Board's hearing officer) a single group hearing, but cases may be consolidated only if the sole issue is one of the Department's policy. In such situations, each claimant has the right to withdraw from the group hearing in favor of an individual hearing and each claimant shall be so notified in the "10 day Notice of Hearing" as mentioned in Rule 10. If claimants request a group hearing on such issue, the request shall be granted. In all group hearings, whether initiated by the Board or by the claimant, these rules governing fair hearings must be followed. Each claimant may present his own case and be represented by his own representative, or he may have his case presented by a representative for the entire group.

10. Medical Hearing

a. When the hearing involved medical issues such as those concerning a diagnosis, or an examining physician's report, or the medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at Department expense from a source satisfactory to the claimant, and made a part of the record if the hearing officer or the claimant considers it necessary.

11. Place of Hearing

Whenever possible, the fair hearing shall be held in the county seat of the county in which the claimant lives. If there are unusual circumstances which prevent the claimant from appearing at the county seat, then other suitable arrangements shall be made. The Department shall take all steps necessary to enable the claimant to appear personally at the pre-hearing conference, if such is requested and at the Fair Hearing.

12. Notice of Hearing

The Department shall notify the claimant and any representative of the claimant by registered mail at least ten (10) days in advance of the time, place and nature of the fair hearing, and shall include a statement of the legal authority and jurisdiction under which the hearing is being held, a reference to the statutes and rules involved and a short statement of the matters asserted. The notification shall inform the claimant as to the conduct of the hearing, including its informal nature, his opportunity to present his case or be represented, to produce and cross examine witnesses, to introduce testimony and evidence pertinent to his cause, and to examine all evidence used in making the decision. The claimant may waive the 10 day notice should he so desire, but this waiver shall be in writing. The notice shall also include a statement to the claimant that the Agency must provide the appellant or his representative opportunity, at a reasonable time, prior to as well as during the hearing, to examine all materials that have a bearing on the matters at issue in the hearing; this includes only evidence which the agency intends to introduce at the fair hearing. Copies of the notice shall also be mailed to the administrator of the Rehabilitative Services Division and the District Supervisor of the district. Unless required for ex-parte matters authorized by law, after issuance of the notice of hearing, hearing officials shall not communicate with any party or his representative regarding non-procedural matters in such case except upon notice and opportunity for all parties to participate.

13. Hearing Officer

a. The hearing shall be conducted and a decision rendered by a hearing officer employed by the Department. The officer who conducts the hearing shall be selected on the following basis:

1. He should be in a position in which he may be authorized, for the purposes of conducting the hearing, to act in an independent judicial manner.

2. He should have developed skills in the process of interviewing and examining which will enable him to obtain all pertinent evidence and to bring out the facts necessary to a fair determination of the case.

3. He should have had such administrative experience as to enable him to evaluate evidence in such a way that he may:

   a. Interpret to the local office state policies and regulations; and

   b. Explain to the claimant the laws and regulations under which the Department operates.

4. No person who has taken part in the particular action from which a fair hearing is requested shall be selected as a hearing officer to conduct a hearing on such action.

5. The hearing officer shall not review the case record, or other material at any time, unless such material is made a part of the record and available to the claimant or his representative prior to its insertion in the record.

6. The Hearing Officer may provide for the taking of testimony by deposition and may direct parties to appear and confer to consider simplification of the issues.

7. A hearing officer or board member may at any time disqualify himself on the filing of a timely and sufficient affidavit of personal bias or other disqualification.

14. Attendance--Representative of Claimants and Department

   a. The hearing may be attended only by persons directly concerned with the issued involved and shall not be open to the public unless so demanded by the claimant. The claimant may designate persons to offer information in his behalf or to act as his advisor counsel. The hearing officer selected to conduct the hearing, the District Supervisor of the district, and local staff concerned, a fair hearing recorder, and other parties whose testimony may be necessary, may also be present.

15. Conduct of Hearing

   a. The hearing shall be conducted informally, but directed in such a manner that the following information be brought out during the course of the hearing:

      1. Statement of the problem and the points at issue, made by the hearing officer;

2. Opportunity for the claimant, representatives of the local office, or others interested in the hearing to recommend a correction or modification of the problem, which recommendations the hearing officer could accept or reject as he saw fit;

3. Development of the facts relevant to the point or points at issue;

4. Development of any other facts pertinent to the case of the claimant that may arise during the hearing.

b. The claimant, interested parties, and the representatives of the local office may present such evidence as may be pertinent; the claimant should be given full opportunity to present his case in detail and to ask questions of anyone presenting evidence at the hearing. The Hearing Officer shall issue subpoenas at the request of the claimant or his representative or any other party as provided by section 82-4420, R.C.M. 1947.

c. Care shall be taken to obtain the most credible evidence available and to insure the accuracy of all copies of papers and extracts from records.

1. Except as otherwise provided by statute relating directly to an agency, the fair hearing shall be conducted by common law and statutory rules of evidence. Objections to evidentiary offers may be made and shall be noted in the record. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially any part of the evidence may be received in written form. The hearing shall remain informal and the client may present his own testimony without representation, if he chooses.

2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

3. A party shall have the right to conduct cross-examination required for a full and true disclosure of facts, including the right to cross-examine the author of any document prepared by or on behalf of or for the use of the agency and offered in evidence.

4. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally

recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of evidence if noted as such in the record and decision.

d. A complete stenographic record of the proceedings at the hearing shall be made and such record shall be transcribed upon appeal. The transcription shall be signed by the stenographer making a record as a true copy of the proceedings. The claimant or his designated representative shall be furnished a copy of the transcript of the hearing upon its preparation and with any other evidence used in making the decision. Proceedings shall in no event be given any publicity by the agency. The hearing may be adjourned from day to day or to a designated day at the discretion of the hearing officer and upon reasonable notice to the claimant and other interested parties. The hearing shall be so adjourned when reasonably necessary to afford full opportunity to the parties to obtain and present all evidence desired.

e. The hearing may be concluded when the hearing officer is satisfied that all pertinent information bearing upon the hearing has been introduced and examined.

f. A hearing otherwise may be considered as concluded when the claimant withdraws his request for fair hearing in writing or fails to attend the hearing without a suitable reason. When the claimant fails to attend the scheduled hearing, thirty (30) days shall elapse before closing the matter to give claimant full opportunity to make continuing plans. At this time a letter shall be written to the claimant by the hearing officer informing him of the date his hearing will become a closed issue. If the claimant has a reasonable reason for not attending the first hearing a second may be scheduled within the thirty (30) day period. A hearing may also be concluded by stipulation, consent order, or settlement.

16. Decision

a. The decision in any fair hearing shall be made by the Hearing Officer and shall be based on facts and evidence produced at the hearings as applied to the statutes and applicable regulations. The decision of the Hearing Officer shall be put into effect by the Rehabilitative Services Division immediately upon receipt of the notification of decision.

b. The affected agency shall have the opportunity to reconsider its decision at any time during the interval preceding or during the hearing. This reconsideration, if acceptable to the claimant, may make the holding or continuation of such hearing unnecessary.

c. The decision by the Hearing Officer shall be made as soon as possible after the completion of the fair hearing, but in every case shall be made within ten (10) days from the date of the last introduction of evidence and within (30) days of the receipt by the Department of the request for a fair hearing.

d. The decision so made shall be in writing and include a statement describing the method of appeal to the Board.

e. Decisions by the Hearing Officer or Board if appealed, are binding on the State Department. The State Department shall establish and maintain a method of informing, at least in summary form, Divisions and counties of the decision. Identifying information will be deleted in the summary. The decision shall also be accessible to the claimant and the public. One copy each of the decisions shall be transmitted by certified mail to the claimant and his representative only, one copy to the Rehabilitation Services Division, one copy to the District Supervisor in charge. When the decision is favorable to the claimant or when the Department decides in favor of the claimant prior to the hearing, the Department shall make the corrected payments retroactively to the date the incorrect action was taken.

f. The District Supervisor or County Director in charge shall immediately, upon the receipt of the notice of decision, take the necessary steps to carry out the decision and shall notify the state department that the decision made has been carried out.

17. Report on Hearing--Appeal to Board

a. The hearing officer's decision shall be based exclusively on the evidence and other material introduced at the hearing. The verbatim transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, offers of proof, evidentiary objections and rulings, and the hearing officer's finding of facts, statement of matters officially noticed, conclusion of law and decision shall constitute the exclusive record on appeal to the Board and shall be available to the claimant at a place accessible to him or his representative at any reasonable time.

b. All materials shall be in writing including the decision and shall be signed by the hearing officer.

c. If the claimant feels the evidence presented does not sustain the findings of fact, or the conclusion of the law are incorrect, or if the decision is not in conformity with the law or facts he may file a written Notice of Appeal, within 10 days of receipt of the Hearing Officer's decision, with the County Department for forwarding to the Hearing Officer.

d. The Notice of Appeal should set forth the specific grounds complained of; however, a lack of specificity shall not be used to defeat an appeal.

e. Upon receipt of a Notice of Appeal the Hearing Officer shall cause a transcript to be prepared and transmitted together with all evidence admitted in the Fair Hearing.

f. The Board will consider the appeal not less than ten (10) days nor more than thirty (30) days after receipt of the completed transcript and evidence.

g. Claimant shall not be allowed to submit additional evidence to the Board but shall be afforded the opportunity to submit a brief and/or present his legal argument either personally or through his representative.

h. The Board shall reduce its decision to writing and mail a copy, by certified mail, within ten (10) days to the Appellant and his representative if any. The decision of the Board shall contain a statement notifying the claimant that he has the right to seek judicial review of the Board's action within thirty (30) days.

18. Assistance During Appeal

When a fair hearing is requested because of termination or reduction of assistance, involving an issue of fact, or of judgment relating to the individual case between the Department and the claimant, assistance shall be continued during the period of the fair hearing and through the end of the month in which the final decision on the Fair Hearing is reached. (If assistance has been terminated prior to timely request for fair hearing, assistance shall be reinstated). Where delays are occasioned during the period of fair hearing, assistance shall be continued if the delay is at the instance of the Department or because of illness of the claimant or for other essential reasons. To the extent that there are other delays at the request of the claimant the Department may, but is not required to, continue assistance.

No assistance shall continue after the end of the month in which an adverse determination by the Hearing Officer is rendered unless, within 10 days of receipt of the adverse decision, the claimant shall file a Notice of Appeal specifying the reasons for such appeal. Upon receipt of the Notice of Appeal, the Hearing Officer shall issue a Certificate of Probable Cause if it appears that the appeal raises any issue of significance. Once the Certificate of Probable Cause is issued, assistance shall continue until such time as the Board rules on the Appeal and through the end of the month in which the final decision of the Board is reached. If the Hearing Officer refuses to issue the Certificate of Probable Cause, the claimant may apply to the Chairman of the State Board of Social and Rehabilitation Services for a Certificate of Probable Cause which he shall issue under the same conditions and with the same effect as had it been issued by the Hearing Officer.

9. POLICY ON EXTENDED EMPLOYMENT PROGRAM

The Rehabilitative Services Division has been authorized to subsidize overhead costs incurred by private non-profit Sheltered Workshops and Work Activity Centers in providing sheltered employment to severely disabled persons. This is a joint effort among Rehabilitative Services Division, Visual Services Division, and Community Services Division.

A. Definitions

1. "Severely handicapped person" means any individual:

   a. Who has a physical or mental impairment which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure and any other disability, specified by the department in regulations it shall prescribe; and/or

   b. Who, because of lack of social competence, mobility, experience, skills, training, or other successful characteristics, is in need of sheltered employment or work activity services in a protective setting.

2. "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting any individual's activities or functioning. The term includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors.

3. "Self-care" means a reasonable degree of restoration from dependency upon others for personal needs and care and includes but is not limited to ability to live in one's own home, rather than requiring nursing home care and care for self rather than requiring attendant care.

4. "Sheltered workshops" means a charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for handicapped workers, and/or providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature - and which is RSD certified.

5. "Work activity center" means a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose - and which is RSD certified.

B. Objectives: The objectives of this program as identified by the Rehabilitative Services Division are:

1. The creation of additional employee work stations;

2. The provision of alternate types of care for current institutional population;

3. The provision of opportunity for severely disabled persons (who cannot be readily absorbed in the competitive market) to participate in Sheltered Workshop and Work Activity Center programs in Montana.

C. The Community Services Division has two main functions in this program:

1. Providing casework services related to the service goal of keeping the subsidized individual on the job during the prolonged workshop experience plus aiding in the preparation of him/her for advancement from the workshop situation.

The workshop personnel and Rehabilitative Services Division staff, having extensive experience with problems facing this group of people, will be planning resources in developing appropriate supportive service by which the service goal may be attained.

The social service worker is responsible for aiding the procurement of adequate housing, if necessary; arranging transportation for health or employment needs; day care, when appropriate; developing appropriate resources relating to money management, dress, deportment on the job; as well as offering individual or group counseling as needed.

2. Community services Division will assign a representative to the Extended Employment Committee for each facility.

D. The Rehabilitative Services Division has five main functions:

1. To administer the extended program including:

a. Allocation of extended monies to workshops;

b. Payment of extended monies to workshops;

c. Evaluation of the results of the extended payments related to subsidy program goals.

2. To participate with Community Services Division and the workshops and Work Activity Centers to assure that all clients referred for extended employment have been evaluated and determined to be appropriate for placement in sheltered employment.

3. To refer appropriate clients to certified workshops and Work Activity Centers, particularly those who are joint Community Services Division and Rehabilitative Services Division clients.

4. To assist in periodically re-evaluating clients who are closed in sheltered employment to assess their ability to profit from further Rehabilitative Services Divsion services, and to reopen such cases as may be able to benefit.

5. Supportive services required by individuals in the Extended Employment Program will be arranged by members representing Social Services or by the Community Worker.

   a. Rehabilitative Services Division must be the first source of training opportunities to be considered for any individual, age 16 or over, who is not legally blind but whose condition of physical, mental or emotional health, or behavior problems substantially prevent him from holding regular employment.

   b. Emotional or behavioral problems include the standard psychiatric classifications of mental retardation, psychoneuroses, psychosis, or behavior characterized by social deviancy or impaired ability to carry on normal relationships with family and community which may result from vocational, educational, cultural, social, environmental or other factors. To qualify in these categories there must be substantial evidence that the maladaptive behavior has been of sufficiently long duration to constitute a pattern of behavior and is not merely a situational reaction to crisis. There must also be supporting evidence to indicate that the behavior has substantially prevented the person from holding regular, suitable jobs. Included as eligible for Rehabilitative Services Division training or rehabilitation services are those people who have been functioning, but substantially below the capability they may attain through Rehabilitative Services Division services.

   c. Referrals will be made to Rehabilitative Services Division under the regular referral procedures as outlined and as agreed upon by Community Services Division and Rehabilitative Services Division. After a suitable evaluation of rehabilitation potential by the Vocational Rehabilitation counselor and a determination made by the counselor that the client is eligible for the VR Extended Employment Program, the client will be referred to the Extended Employment Committee. A VR client in the Extended Employment Program cannot be closed a 26 until he/she has spent 60 days in the Extended Employment Program.

E. Extended Employment Committees

1. Guidelines: A multi-agency committee shall be established at each sheltered workshop and Work Activity Center participating in the legislatively approved extended program. Each committee shall have representatives from the facility, Social Services, and Rehabilitative Services Division (the Vocational Rehabilitation Facility Liaison Counselor and the Regional Developmental Disabilities Community Worker). The Rehabilitative Facilities Specialist is always an ad hoc member of the Committee and shall vote to break ties.

2. The purposes of the Extended Employment Committees are:

   a. To screen referrals to appropriateness of certification to the ex-

tended program. The Rehabilitative Facilities Specialist should be consulted if there is any question as to appropriateness of a given workshop for a given client.

b. To certify disabled persons to extended slots in a particular workshop or Work Activity Center.

c. To identify client goals. The client should be involved actively in the process of determining his appropriateness for sheltered employment under this program. Goals should be set with the client, not just for the client and each client should know what he can expect from this program and what he must put into the program. A written plan should be developed for each client and must be a part of the workshop, Social Service File, and the Rehabilitative Services Division file.

3. To monitor, coordinate, or provide services to extended clients:

a. Community Services Division social service worker should provide casework services.

b. Rehabilitative Services Division counselor should periodically ascertain client readiness for additional Vocational Rehabilitation services.

c. Workshop member should represent all workshop functions.

d. Community worker should provide purchase of service functions.

4. To de-certify clients:

a. When the absences of clients are too frequent for them to be gaining from workshop experiences.

b. When clients are deceased.

c. When clients move from area.

d. When clients can't tolerate the program.

e. When client reaches a level of productivity which no longer requires program.

5. To determine when and how long slots should be held open for absent enrollees.

6. To assess at least every six months the status of each client enrolled in extended slots to determine their progress, develop new goals, and otherwise review the written plan. The assessment should be committed to writing with a copy in the workshop files and in the Social Service and in the Vocational Rehabilitation case records.

Caseworkers assigned to this program must have time not only to work directly with clients, but to attend extended committee meetings to screen referrals and evaluate those already in the program.

G. Rules for Extended Employment Program

1. A client extended slot which remains vacant for a period of 60 days will be subject to removal from the facilities slot allocation at the discretion of the Administrator of the Rehabilitative Services Division.

2. A facility which is unable to provide consistent services minimally six hours per day five days per week, to extended clients, is subject to a reduction of the facilities slot allocation at the discretion of the Administrator of the Rehabilitative Services Division.

3. Should the services of a facility which provides extended services to clients of the Rehabilitative Services Division fall below minimum standards, the facility will be notified in writing of the deficiencies and be given a specific period of time to make corrections. Should corrective measures not be made, the facility will be subject to lose all allocated slots of the Extended Employment Program.

4. Facilities are required to notify the Rehabilitative Services Division Facility Liaison Counselor when a client has been absent from the program for three consecutive work days. The facility is responsible for informing the specified Rehabilitative Services Division personnel of the reason for the absence. The Rehabilitative Services Division personnel has the authority to excuse, or not excuse the absences. This fact will be viewed as one of the followups by the RSD Counselor.

H. Appointment of Extended Employment Committee

1. County directors assign a social service worker as liaison to a particular workshop.

2. Rehabilitative Services Division District Supervisors assign Community Workers and liaison Vocational Rehabilitation counselors to a particular workshop.

3. Each workshop director identifies a nominee to the committee--usually the director or professional staff member.

4. The Rehabilitative Services Division Facilities Specialist will be an ad hoc committee member and will assist the workshop director to get the committee started and help solve any organizational problems that might develop.

I. Organization of Committee

1. Each committee will elect a chairman of its choice. While the workshop representative would seem a logical choice to chair the committee, the members may appoint someone else.

2. Each committee will meet as needed to carry out its purposes. Larger workshops with greater numbers of extended work stations may find it necessary to meet quite regularly while smaller workshop committees may meet infrequently beyond initiation of the program.

3. Each committee will keep minutes of its meetings and keep such minutes on file at the workshop. Minutes should identify, for each referral, the reasons for acceptance or rejection into the program and the recommended client goals.

4. Three of the four committee members must be present to conduct business.

5. The committee should make a concerted effort in decision making and not certify a client into the program who does not meet the approval of each member. However, an occasional impasse may occur. In the event that a decision is not possible, decisions will be appealed to the Chief of the Special Projects Bureau.

J. Criteria for determining which clients are certified into-extended slots:

1. All referrals must have undergone a comprehensive work evaluation by Rehabilitative Services Division which is the referral resource.

2. The caseworker shall make a determination as to whether the referral is a recipient of SSI or Medical Assistance. Priority will be given to this group who would be entitled to Purchase of Service using Federal Funds from Family and Adult Services. However, Rehabilitative Services Division will fund subsidy slots using unmatched monies where clients meet remaining criteria.

3. Institutional History: Priority should be given also to those referrals who have been institutionalized in state institutions and who have been rehabilitated to the point of readiness for sheltered employment. Slightly lower priority shall be given to those referrals who have not been institutionalized but who are adjudged to be candidates for institutionalization if not provided sheltered employment.

4. Productivity Level: Since the purpose of this program is to provide sheltered employment for the severely disabled, the committee shall give greater weight to "obviously low" producers as compared with those who are only "marginally" productive. "Obviously low" producers are identified as being up to 50 percent productive (when compared with normal non-handicapped workers). "Marginal" producers would range between 50-75 percent productivity and be paid that percentage of the prevailing wage. These individuals usually "earn their own way" to a great extent and the workshop requires relatively little financial support outside of product sales. Workers classified as over 75 percent shall not be certified to the extended program as they are productive enough to contribute their share of the overhead and they are approaching the point of readiness for competitive employment.

   Productivity level would be determined in the evaluation process.

   An amount considered necessary to subsidize the net loss of a workshop serving this client population, will be determined by each facility & used as the payment required.

5. The Extended Committee shall develop and maintain a prioritized "waiting list" from which candidates shall be drawn when vacancies occur; such prioritized list shall be developed along the lines of the criteria described in these guidelines.

N.B. Due to increases in grant allocations for overhead expenses, it should be anticipated that wages or individual clients income (prime or sub-contract) would increase.

K. Policy number four (#4) on Financial Need will apply to all recipients of Extended Employment Services.

L. Applicants entitled to Social Services who are Developmentally Disabled must utilize funds available thru the Purchase of Service Program. Other applicants entitled to Social Services and not eligible for Purchase of Service should be the first priority, for Extended Employment.

10. POLICY ON KIDNEY DIALYSIS - TRANSPLANT PROGRAM

1. The VR Client End Stage Renal Disease Program

The Division considers the Social Security Medicare Program the first dollar resource on virtually all End Stage Renal Disease patients applying for Vocational Rehabilitation restorative services on the basis of kidney dysfunction. The applicant shall be referred immediately to the nearest Social Security office for a determination of Medicare eligibility and medical coverage prior to the Rehabilitative Services Division commiting funds to a definitive plan of services.

It is recognized the Medicare program has limitations which prevent the program's absorption of total patient costs for those people determined eligible. Approximately 20% of this disabled population group will fail to meet Medicare requirements.

Some of the basic Medicare components relating to coverage of End Stage Renal Disease are as follows:

1. Eligibility for the Medicare program is contingent on the applicant being either currently or full insured. "Fully insured" pertains to having 22 quarters of continuous coverage under Social Security, and "Fully insured" means having 6 quarters of coverage out of the past 13 quarters.

2. There is not a waiting period for kidney transplantations through Medicare if surgery occurs during the month the client applies for Medicare services.

3. There is a 3 month waiting period for Medicare coverage of hemodialysis costs.

4. Medicare (Part A) Hospitalization - There is a $72.00 deductible provision for the first 60 days of hospitalization.

5. Medicare (Part B) Physician Services - Medicare will cover 80% of reasonable physician charges.

6. Medicare has variable coverage (all or part) of durable medical equipment.

7. Medicare will cover all or part of home dialysis equipment and supplies.

8. Medicare will defray the cost of training an attendent for home dialysis treatment, but will not cover the cost of board, room, and transportation for the attendent to arrive and remain at the treatment center.

9. Medicare provides a 12 month follow-up to treatment and transplantation.

Eligibility for and extent of financial involvement of the Medicaid and Medically Needy Programs of the Economic Assistance Division shall be established on all applicants for Vocational Rehabilitation restorative services.

The Rehabilitative Services Division shall provide Vocational Rehabilitatation services to people with End Stage Renal Disease of employable age if the program eligibility criteria are satisfied. They are: 1) the medically established presence of a physical or mental disability which constitutes a substantial handicap to employment. 2) A reasonable expectation that Vocational Rehabilitation services may render the individual fit to engage in a gainful occupation.

The Rehabilitative Services Division makes a definable distinction between medical eligibility and medical feasibility for Vocational Rehabilitation services. The existence of a disability does not necessarily imply the individual is feasible for Vocational Rehabilitation services. There are, or can be, factors which render it inadvisable for the Rehabilitative Services Division to attempt restorative services, i.e., Vocational Rehabilitation services are by law geared to eliminate or reduce disability and upgrade employability within a reasonable period of time, generally 6 months. If the condition will last longer, or if chronic, or if unpredictably prolonged, or has a medical prognosis of poor or guarded, the Division shall be cautious about extending services beyond this determination reference.

II. The Non VR Client kidney Program

House Bill 327 appropriated $200,000 for the biennium ending June 30, 1977 ... to provide life saving treatment for the victims of chronic End Stage Renal Disease. The legislative intent of the Bill is twofold: 1) to provide financial assistance to those people who are unable to pay for treatment on a continuing basis. 2) that this appropriation is not a supplementation to existing program budgets within the Department of Social and Rehabilitation Services, rather it is regarded as a separate fund reserved principally for those people who fall between the cracks, who may or may not be eligible for Medicare, but who definitely are not eligible for the Rehabilitative Services Division or the Economic Assistances Division's Medicaid or Medically needy program, but can be used when Medicaid and/or Medicare program benefits expire.

The Rehabilitative Services Division is assigned the responsibility to appropriately administer the special fund. All prospective applicants shall be referred to the Division's field offices for the essential processing of applications.

The procedures for governoring the expenditure of these monies are as follows:

1) Age is not a factor - there is no upper or lower age limitations in effect.

2) The money is reserved solely for the individual medically described as suffering from "Chronic" End Stage Renal Disease.

3) This automatically eliminates those conditions which could potentially lead to the "Chronic" state.

4) This rules out conditions medically defined as acute Renal Failure.

5) The money is available only to those people who can demonstrate a financial need.

6) This fund cannot be utilized on Vocational Rehabilitation clients unless: a) a reasonable period of time has elapsed (6 months generally) during which evaluative services were provided, and b) a medical determination of nonfeasibility can be shown at the close of the 6 month evaluation period.

7) These funds can be utilized on people who are eligible for Medicare since this coverage is incomplete. The same is true of Veterans Administration benefits which do not cover total costs.

For both Part I & Part II, the Vocational Rehabilitation client and Vocational Rehabilitation Non Client programs, the "means" test will be applied on all applications. See policy #4 - Policy On Determination of Financial Need - page 11.